THE

CIVIL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1889.

RANGOON:

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1890.

TABLE OF CONTENTS.

RESOLUTION BY THE CHIEF COMMISSIONER.

	Para.	Page.
Civil litigation	1	1
Disposal of business	2	ib.
Execution of decrees	3	2
Appeals	4	ib.
Cost of litigation	5	3
Advocates	6	ib.
Inspection	7	ib.

ANNUAL REPORT.

PART I.

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

Special Court of Lower Burma.

Appeals preferred and disposed of	1	1
Work of past two years	2	ib.
Insolvency appeals dismissed	3	ib.
Revenue from court-fee stamps and process fees and expenditure	4	ib.
Judges during year	5	ib.

Court of the Recorder of Rangoon.

Work of the year and fees realized	1	3
Increase in cases instituted	2	ib.

Vice-admiralty Jurisdiction.

Suits instituted	3	4

Insolvency Jurisdiction.

Insolvency business during year	4	4
Grant of probates and letters-of-administration	5	ib.
Applications for revision of judgment	6	5
Appeals preferred to Calcutta High Court	7	ib.
References to High Court under section 54, Burma Courts Act, and under the Indian Divorce Act	8	ib.
Privy Council appeals	9	ib.
Disposal of appeals by Calcutta High Court	10	ib.
Receipts and expenditure	11	ib.
Recorders during year	12	ib.

Court of Small Causes, Rangoon.

Suits instituted, decided, and pending	13	5
Applications for execution	14	ib.
Extension of jurisdiction of Judge	15	6
Values of suits instituted	16	ib.
Total amount in litigation	17	ib.
Suits disposed of	18	ib.
Disposal of applications for execution of decrees	19	ib.
Application under Chapter XX, Code of Civil Procedure	20	ib.
Disposal of suits by Additional Judge	21	ib.
Value of court-fee stamps	22	ib.
Receipts and expenditure	23	ib.

PART II.

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

Submission of report	1	7

I.—Original Jurisdiction.

Original suits instituted or disposed of	2	7
Suits instituted since 1881	3	ib.
Business done in the different Courts of original jurisdiction	4	ib.
Character of original litigation	5	10
Value of original suits	6	11
Disposal of litigation	7	12
Average duration of suits	8	13
Applications for execution and degree in which satisfied	9	15
Issue of processes of execution	10	16
Applications to be declared insolvent	11	17

	Para.	Page.
II.—Appellate Jurisdiction.		
Appeals preferred to Deputy Commissioners' Courts	12	18
Appeals to Commissioners' Courts	13	19
Regular appeals to Court of Judicial Commissioner	14	20
Miscellaneous appeals to Court of Judicial Commissioner	15	21
Application for revision	16	ib.
Miscellaneous work disposed of by Judicial Commissioner	17	22
III.—Miscellaneous.		
Financial results of rules framed under section 20, Courts Fees Act	18	22
Cost of litigation	19	23
Advocates	20	ib.
Inspection	21	ib.
Charge of office	22	25

APPENDICES.

	Page.
1.—(Civil).—Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in Lower Burma on the last day of the year 1889 with the cost of tribunals	ii.
7.—(Civil).—Statement showing the number and description of suits instituted in the Civil and Revenue Courts in Lower Burma for the year 1889	iii.
8.—(Civil).—Statement showing the number and value of suits instituted in the Civil and Revenue Courts in Lower Burma for the year 1889	iv.
9.—(Civil).—Statement showing the general result of the trial of Civil and Revenue cases in the Courts of original jurirdiction in Lower Burma for the year 1889. Part I.—Civil suits	v.
9.—(Civil).—Statement showing the general result of the trial of Civil and Revenue cases in the Courts of original jurisdiction in Lower Burma for the year 1889. Part II.—Miscellaneous cases (Judicial)	vi.
10.—(Civil).—Statement showing the business of the Civil and Revenue Appellate Courts in Lower Burma for the year 1889. Part I.—Appeals from decrees	vii.
10.—(Civil).—Statement showing the business of the Civil and Revenue Appellate Courts in Lower Burma for the year 1889. Part II.—Miscellaneous Appeals (Judicial)	viii.
11.—(Civil).—Statement showing the result of proceedings on applications for the execution of the decrees of the Civil and Revenue Courts in Lower Berma for the year 1889 ...	ix.
12.—(Civil).—Statement showing the number and result of applications and proceedings under Chapter XX, Act XIV of 1882 in Lower Burma for the year 1889	x.
13.—(Civil and Criminal).—Statement showing use of Jurors and Assessors in the Civil and Criminal Courts in Lower Burma for the year 1889	xi.
Statement showing the total value in litigation and costs for all classes of Civil cases, including executions of decrees and other miscellaneous applications, disposed of in the different classes of Courts in Lower Burma during the year 1889	xii.

RESOLUTION

ON

THE CIVIL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1889.

Extract from the Proceedings of the Chief Commissioner, Burma, in the Judicial Department,—No. 31 E., dated the 10th July 1890.

READ—

Report on the administration of civil justice in Lower Burma during the year 1889.

RESOLUTION.—The statistics of civil litigation in Lower Burma in the last annual report showed that the causes which impeded the resort of the people to the Courts in 1886 and 1887 had ceased to operate as the country had returned to the normal state of tranquillity which existed before the outbreak of the late war. The number of cases instituted during 1889 rose to 37,904, the highest ever recorded. The following table will show how the outbreak of disorder checked the increase in civil litigation, which ordinarily follows an increase of population and of wealth :—

1884	...	...	...	....	...	35,478
1885	...	...	...	...	...	33,907
1886	...	...	...	...	...	32,485
1887	...	...	...	...	...	32,367
1888	...	...	...	...	...	34,846
1889	...	...	...	...	...	37,904

In 1884 the number of cases instituted was the highest recorded up to that date. The increase of 3,058 cases instituted in the year under report occurred chiefly in the Pegu and Irrawaddy divisions, which show an increase of 2,396 cases. As Pegu and Irrawaddy were the two divisions which were most disturbed in the years 1886-87 the inference that the increase of civil litigation is due to the restoration of peace and order is irresistible. Compared with the figures of the year 1884 the increase in the figures of 1889 is not larger than might have been expected from the rapid growth of the country in population and wealth. But, while the number of suits instituted has increased, the total value has declined from Rs. 47,83,074 in 1888 to Rs. 44,46,735 in 1889. The fall in the value of the suits instituted in the Court of the Recorder of Rangoon by more than 25 per cent. accounts for more than the total decrease. The number and value of the suits instituted in the Court of the Civil Judge of Moulmein have both fallen. The Judge attributes this to the operation of the Debtors Act of 1888. This cause seems hardly sufficient.

2. *Disposal of business.*—The percentage of contested cases is almost exactly the same as that of last year. The suits referred to arbitration rose

from 96 to 261, the increase being almost entirely due to the fact that cases were referred much more freely to arbitration in the Northern Arakan Hill Tracts during the year under review than in the previous one. This is a step in the right direction and, though no selected headmen have been as yet empowered to try civil cases of small value in a summary way, the Chief Commissioner hopes that during the current year a commencement will be made in referring petty cases to the selected headmen. The average duration of contested cases in Courts outside Rangoon rose very slightly, namely, from 20 days during 1888 to 21 during the year under review. In like manner in uncontested cases there was a rise from 12 to 13 days. In the Court of the Judge of Moulmein the high average duration of contested cases is explained as being due to six cases in which commissions had to be taken at Bangkok and elsewhere. The rise in the duration of cases in the Court of the Recorder of Rangoon is probably due to the fact that for nine months of the year there was but one Recorder sitting in Rangoon.

3. *Execution of Decrees.*—Applications for execution of decrees rose from 10,807 during 1888 to 11,178 during 1889. Notwithstanding this increase of applications there has been a great decrease in the number of cases in which the judgment-debtor was imprisoned. The table below shows the figures for the past five years :—

	Number of applications.	Number of applications on which the judgment-debtor was imprisoned.	Number of applications on which the judgment-debtor was arrested, but released.
1884	9,760	657	1,510
1885 ..	11,012	522	2,567
1886	11,578	445	1,880
1887	11,027	361	1,792
1888	10,807	220	1,068
1889	11,178	174	767

It will be seen that before the passing of the Debtors Act of 1888, though the number of applications on which judgment-debtors were arrested but released without imprisonment remained much the same, the number of persons imprisoned for debt had been steadily decreasing. Since the passing of the Debtors Act there has been a great decrease in the number of applications for the arrest of the judgment-debtor, but a much larger proportion of these applications have resulted in the judgment-debtor being imprisoned. The operation of the Act has no doubt been beneficial.

4. *Appeals.*—There has been a large increase over the returns of last year in the number of appeals presented in the District Courts, in which the bulk of the appellate work in the province is done, while there is a falling off in the appeals presented in the Commissioners' Courts, and only a very slight increase in the Judicial Commissioner's Court. The number of decrees confirmed on appeal in the District Courts is 66 per cent. as against 68 per cent. in 1888. This percentage is, as the Judicial Commissioner states, high compared with the results obtained in the corresponding Lower Appellate Courts in Bengal. There has been a very satisfactory decrease in the average duration of appeals in all classes of Appellate Courts except in the Judicial Commissioner's Court. The average duration of 51 days in the Bassein district is the longest.

5. *Cost of Litigation.*—The fall in the average value of suits is the cause of the slight increase in the cost of litigation in original suits. The number of processes issued in Courts outside Rangoon increased by 14,271. The fees realized increased by Rs. 6,105, but the charges decreased by almost exactly the same amount. This very satisfactory improvement is no doubt due to the more careful and economical working of the present establishment. The amalgamation of the revenue and criminal process establishment with the civil will, the Chief Commissioner expects, result in further economy and greater efficiency. This matter has already been noticed in the Resolution on the Criminal Justice Report of this year.

6. *Advocates.*—The Chief Commissioner notes with satisfaction that the Judicial Commissioner's attention has been given to the subject of the licensing of Advocates. It is a matter of great importance to prevent unfit and ignorant persons from adopting the profession of an Advocate, and the penalties prescribed by law should be enforced against persons who practise without a license.

7. *Inspection.*—The remarks of the Judicial Commissioner regarding the necessity of Deputy Commissioners inspecting the Courts in the interior have the entire concurrence of the Chief Commissioner, who is indebted to Mr. Ward for the care and interest with which the Courts of the province have been supervised and guided by him.

By order of the Chief Commissioner,

H. L. EALES,
Officiating Secretary.

THE

CIVIL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1889.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF LOWER BURMA.

DURING the year 1889 there were nine regular appeals preferred from the decision of the Judge of the Court of the Town of Moulmein and two were pending at the close of the year 1888, making in all 11 appeals for disposal. Of these six were disposed of and five were pending at the close of the year. In the previous year 10 appeals were filed and 10 were disposed of.

2. The following comparative table shows the work of the past two years:—

Year.	Number of appeals pending at the close of the previous year.	Number of appeals presented during the year.	Total for disposal.	Result.					
				Confirmed.	Dismissed.	Modified.	Reversed.	Remanded.	Pending.
1888 ...	2	10	12	...	6	...	2	2	2
1889 ...	2	9	11	....	5	...	1	...	5

3. Besides the above there was one miscellaneous appeal from the order passed by the Recorder of Rangoon exercising insolvency jurisdiction, and this appeal was dismissed during the year.

4. The revenue of the Court during the year from court-fee stamps and process fees amounted to Rs. 2,752-1-0 and the expenditure to Rs. 1,800. In the previous year the revenue was Rs. 2,735-10-0 and the expenditure Rs. 1,924-3-0.

5. The Judges of the Special Court from the 1st January to the 17th February 1889 were Mr. W. F. Meres and Mr. R. S. T. MacEwen; from the 18th February to the 3rd March were Mr. W. F. Meres and Mr. W. F. Agnew; and from the 4th March to the close of the year were Mr. W. E. Ward and Mr. W. F. Agnew.

RANGOON :—
The 1st April 1890.

W. F. AGNEW,
W. E. WARD,
Judges of the Special Court of Lower Burma.

Report on the administration of civil justice in the Court of the Recorder and in the Court of Small Causes, Rangoon, for the year 1889.

COURT OF THE RECORDER OF RANGOON.

THE following tables show the work of the year and the fees realized in comparison with the previous year :—

Year.	Number of suits instituted.							Number of suits disposed of.							Number of suits pending.							Value of suits instituted.	Value of suits disposed of.
	Regular.	New trials.	Reviews.	Vice-admiralty jurisdiction.	Insolvency.	Miscellaneous and executions.	Total.	Regular.	New trials.	Reviews.	Vice-admiralty jurisdiction.	Insolvency.	Miscellaneous and executions.	Total.	Regular.	New trials.	Reviews.	Vice-admiralty jurisdiction.	Insolvency.	Miscellaneous and executions.	Total.		
																						Rs.	Rs. A. P.
1888 ...	276	...	...	...	32	477	785	264	1	...	...	34	450	786	67	...	...	...	7	35	109	15,50,802	6,10,971 0 0
1889 ...	266	4	3	5	46	517	841	236	4	6	...	27	479	748	97	...	1	5	26	73	202	11,30,504	9,24,533 11 7
Increase ...	...	4	3	5	14	40	56	...	3	2	...	...	29	...	30	..	1	5	19	38	93	...	3,13,562 11 7
Decrease ...	10	...	...	...	...	...	...	28	....	...	...	7	...	10	...	...	...	...	...	...	...	5,06,298	...

Statement of Court-fees realized.

Year.	Process fees.	Amount realized under Act VIII of 1870. Schedule I, Articles 1—9 inclusive.	Amount realized under the same schedule, Nos. 10—12.	Amount realized under Schedule II.	Total.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1888	3,397 0 0	32,874 8 0	9,382 0 0	1,791 10 0	47,445 2 0
1889	3,588 0 0	42,225 12 0	17,343 0 0	1,913 8 0	65,070 4 0
Increase ...	191 0 0	9,351 4 0	7,961 0 0	121 14 0	17,625 2 0
Decrease ...	...	...	...	...	...

2. The result is that there has been an increase of 56 cases of all kinds as compared with the previous year, although there has been a decrease of 10 regular cases. But taking the five vice-admiralty cases, the actual decrease is only five, notwithstanding that the jurisdiction of the Small Cause Court was extended by the Lower Burma Courts Act, 1889, for the trial of suits exceeding Rs. 1,000 and not exceeding Rs. 2,000. Thirty-three of such cases were instituted in the Small Cause Court during the latter half of the year. There is a slight decrease in the number of cases disposed of and an increase in the number of cases pending at the close of the year; but taking into consideration that during the whole of the year 1888 there were two Recorders, whereas during the year under review there were two Recorders for three months only and the remaining nine months only one Recorder, I think the work done is satisfactory. The value of suits instituted shows a decrease, whilst the value of suits disposed of increased, and the court-fee stamps realized also increased by Rs. 17,625-2-0 over the previous year.

Vice-admiralty Jurisdiction.

3. There were five suits instituted under this jurisdiction during the year; all of them were pending at the close of the year. The aggregate value of these suits was Rs. 60,097 (included in the value of suits instituted). The court-fees paid on these suits amount to about Rs. 110. The practice in this Court has been to follow the Calcutta scale of fees as closely as possible (see Belchambers's Rules and Orders, page 320). There are various objections to this course. The amount realized is not so much as would be realized if the fees were levied, as in other suits, on an *ad valorem* scale. Then the costs, instead of being calculated at so much per cent. on the amount sued for, have to be according to the bills prepared by the Advocates. There is no regular taxing office as in England and in Calcutta, and the Registrar's time is taken up with this work, which does not properly fall within his regular duties. I think it would be advantageous to the revenue, and certainly convenient, if arrangements were made to levy the fees in vice-admiralty suits for the future on the *ad valorem* scale provided for suits under the Court Fees Act.

Insolvency Jurisdiction.

4. The following table shows the particulars of the insolvency business during the year:—

Number of persons whose applications were pending at the close of 1868.	Number of petitions filed during 1869.	Number of persons.	Total number of persons.	Personal discharge granted.	Final discharge granted.	Adjudicated insolvents.	Dismissed.	Rejected.	Withdrawn.	Struck off in default.	Pending.
7	46	50	57	16	4	2	11	1	1	...	22

5. The following table shows the classes to whose estates probates and letters-of-administration were granted during the year and the value of the estates:—

Class.		Number of probates granted.	Number of letters-of-administration granted.	Value of estates.
				Rs.
Europeans and Eurasians		8	5	1,32,100
Buddhists	Burmese	...	8	61,400
	Chinese	1	2	40,000
Mahomedans		2	11	4,12,000
Hindus		1	4	47,000
	Total ...	12	30	6,92,500

In the previous year 15 probates and 25 letters-of-administration were granted. The value of the estates amounted to Rs. 6,08,342.

6. There were 46 applications made to this Court for revision of the judgments and orders passed by the Small Cause Court. In 11 cases the judgments were set aside, in one case the judgment was modified, one case was returned for further evidence to be taken, and in 33 cases the judgments and orders were not interfered with.

7. During the year under report two appeals were preferred to the High Court, Calcutta, both of which are still pending.

8. A reference was made to the High Court by the Additional Recorder under section 51 of the Burma Courts Act, 1875, and there was also one reference under the Indian Divorce Act for confirmation of the decree passed by this Court.

9. The appeal to the Privy Council which was pending at the close of 1887 is still pending. In each of the three appeals preferred to the Privy Council in 1888 the judgment of this Court was reversed.

10. Of the four appeals preferred to the High Court in Calcutta in 1888 two were decided in 1889; in one case the judgment and decree of this Court was reversed and the other was dismissed. The remaining two were decided by the High Court in the early part of the present year (1890), one being dismissed, and in the other the judgment and decree of this Court was reversed.

11. The following table gives in detail the receipts and expenditure for the year 1889 :—

Receipts.	Amount.			Expenditure.	Amount.		
	Rs.	A.	P.		Rs.	A.	P.
Amount realized by court-fee stamps.	65,070	4	0	Recorder	15,006	6	9
				Additional Recorder	10,059	15	11
Sale of unserviceable furniture ...	58	15	0	Clerks	21,125	6	8
Balance of expenditure over receipts	4,508	10	1	Servants	1,048	0	0
				Contingencies	776	15	9
				Process-serving Establishment.			
				One-third of Bailiff's pay and two peons, the remainder being charged to the Small Cause Court.	1,616	0	0
Total ...	69,632	13	1	Total ...	69,632	13	1

12. Mr. MacEwen officiated as Recorder and Mr. Fox as Additional Recorder from the 1st January to the 17th February 1889, Mr. Agnew as Recorder from the 18th February 1889 to the end of the year, and Mr. MacEwen from the 18th February to the 31st March as Additional Recorder.

THE COURT OF SMALL CAUSES.

13. The number of suits instituted and decided during 1888 and 1889, as also the number pending at the close of these years respectively, is shown below.

Regular Suits.

	Instituted.	Decided.	Pending.
1888	4,447	4,615	268
1889	4,939	4,879	310

Miscellaneous Suits.

1888	3,981	4,012	119
1889	1,334	1,270	64

14. Applications for execution were not during 1889 as heretofore numbered and included among miscellaneous suits, but were numbered with an execution number and filed as applications in the regular suit. The following are the particulars of such applications :—

	Instituted.	Decided.	Pending.
1888	2,818	2,810	89
1889	2,833	2,822	100

15. The jurisdiction of the Judge was, under the provisions of the Lower Burma Courts Act, 1889, extended to suits not exceeding Rs. 2,000 in value on the 13th June 1889. From that date until the end of the year 33 suits above Rs. 1,000 were filed.

16. Details of the values of suits instituted in 1888 and 1889 are given below.

Rs.	1888.	1889.
Up to 10	571	549
Up to 50	2,013	2,178
Up to 100	740	868
Up to 500	987	1,077
Up to 1,000	136	134
Up to 2,000	88	

17. The total amount in litigation was Rs. 5,10,707-2-3 as compared with Rs. 4,34,092-11-0 in the previous year.

Compromised ...	310
Decreed on confession	577
Decreed *ex parte*	1,971
Dismissed *ex parte*	38
Total	2,896

18. Of the suits disposed of in 1889 651 were dismissed for default or for want of prosecution, or were withdrawn with leave, 2,896 were decided without contest in the manner shown in the margin, and 1,332 were decided after contest.

19. Out of 2,422 applications for execution of decrees 2,322 were determined and 100 remained pending at the close of the year.

Pending from 1888	89
Filed in 1889 ...	2,333
Total	2,422

The number of such applications filed in 1888 was 2,899 and the number determined was 2,810. Of the applications disposed of in 1889 911 resulted in whole or partial satisfaction of the decrees.

20. There was only one application under Chapter XX of the Code of Civil Procedure, which was due to such chapter being declared inapplicable to any Court having jurisdiction within the local limits of the ordinary civil jurisdiction of the Recorder by section 52 of the Lower Burma Courts Act.

The Judge disposed of 1,861 regular and 782 miscellaneous suits, and 1,240 applications for executions, making a total of 3,883. Five hundred and ten were contested suits with an average duration of 24·16 days and 1,351 were uncontested, the average duration being 24·62.

21. The Additional Judge disposed of 3,018 regular and 488 miscellaneous applications, and 1,082 applications for execution, making a total of 4,588. Eight hundred and twenty-two were contested and 2,196 were uncontested, the average duration being 24·71 and 18·12 respectively.

22. The value of court-fee stamps used was Rs. 53,608-2-0. The value in 1888 was Rs. 46,626-8-0, showing an increase on the previous year of Rs. 6,981-10-0.

23. The following is a statement of receipts and expenditure for the year 1889 :—

Receipts.	Amount.	Expenditure.	Amount.
	Rs. A. P.		Rs. A. P.
Amount realized by stamps on institution	42,225 10 0	First Judge's pay	10,565 8 0
Tullubana funds collected in stamps	11,382 8 0	Second Judge's pay	5,818 4 0
Fines	3 8 0	Establishment	13,518 12 11
Stamp penalty levied on insufficiently stamped documents.	505 12 0	Contingencies	429 11 0
		Two-thirds share of Bailiff's pay, two-thirds share of the head peon's pay, and pay of eight peons of the Bailiff's establishment debited to this Court by direction of the Recorder of Rangoon.	2,912 0 0
			33,274 8 11
		Balance of receipts over expenditure.	20,843 2 1
Total ...	54,117 6 0	Total ...	54,117 6 0

W. F. AGNEW,
Recorder.

PART II.

Courts under the Supervision of the Judicial Commissioner.

From W. E. WARD, Esq., C.S.I., Judicial Commissioner, Lower Burma, to the Secretary to the Chief Commissioner, Burma,—No. 801-30, dated the 6th May 1890.

I BEG to submit the civil justice statements for 1889 for Lower Burma, including those for the Special Court and the Town of Rangoon. The report, as in previous years, deals only with the figures of the Judicial Commissioner's Court and of the Courts subordinate thereto, including the Court of the Hill Tracts of Arakan.

I.—ORIGINAL JURISDICTION.

2. There were no original suits instituted or disposed of during the year in the Court of the Judicial Commissioner.

3. The total number of suits instituted since 1881 in all Courts subordinate to the Judicial Commissioner is given below.

1881	..	...	27,675	1886	...	...	27,286
1882	...	...	28,215	1887	...	...	27,456
1883	...	...	28,906	1888	...	...	30,128
1884	...	...	30,148	1889	...	...	32,794
1885	...	...	27,961				

The number of suits instituted in 1889 exceeds that of any previous year. There has been a steady increase in the annual number of institutions since 1886. The rate of increase last year was 8·8 per cent. and in the previous year 9·7 per cent.

The following figures show that the increase has occurred chiefly in the Pegu and Irrawaddy divisions. In the Tenasserim division there is a decrease of institutions :—

Division.	Institutions.		Increase or decrease.
	1888.	1889.	
Arakan	8,265	8,604	+ 339
Pegu	7,846	8,932	+ 1,086
Irrawaddy	11,002	12,312	+ 1,310
Tenasserim	8,010	7,946	— 64

4. The following table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year as compared with similar results for the preceding year:—

Division.	Name of district.	Instituted.*		Disposed of.		Pending at close of year.			
						Above four months.		Total pending.	
		1888.	1889.	1888.	1889.	1888.	1889.	1888.	1889.
Arakan.	Akyab	1,635	1,500	1,653	1,491	...	9	22	45
	Akyab Small Cause Court	500	686	495	692	...	...	10	9
	Kyaukpyu	723	925	722	924	...	...	13	14
	Sandoway	370	322	363	327	...	...	7	6
	Northern Arakan	37	171	38	170	...	...	...	1
	Total	3,265	3,604	3,271	3,604	...	9	52	75
Pegu.	Hanthawaddy	1,087	1,365	1,065	1,376	...	1	30	19
	Pegu	1,893	1,947	1,875	1,951	2	...	42	20
	Pegu Small Cause Court	40	200	28	202	...	...	12	10
	Tharrawaddy	2,360	2,180	2,384	2,143	...	...	32	73
	Tharrawaddy Small Cause Court	74	205	73	204	...	...	1	2
	Prome	1,990	2,535	2,013	2,491	...	...	35	81
	Prome Small Cause Court	303	500	387	501	...	...	16	14
	Judicial Commissioner, Lower Burma	...	...	...	...	...	...	...	...
	Total	7,946	8,932	7,825	8,868	2	1	168	238
Irrawaddy.	Henzada	1,660	2,430	1,637	2,438	...	...	60	50
	Henzada Small Cause Court	572	269	583	247	...	...	3	3
	Bassein	3,005	3,430	3,502	3,428	2	...	101	93
	Bassein Small Cause Court	271	427	271	427	...	...	3	3
	Thôngwa	2,988	3,097	2,900	3,005	5	90	110	210
	Thôngwa Small Cause Court	703	604	771	591	...	8	6	19
	Thayetmyo	1,003	1,306	1,008	1,338	1	7	48	67
	Thayetmyo Small Cause Court	74	93	78	93	...	...	...	...
	Total	11,003	12,312	10,000	12,172	8	105	340	475
Tenasserim.	Amherst	1,559	1,854	1,529	1,860	3	2	50	52
	Amherst Small Cause Court	140	130	149	130	...	...	2	2
	Shwegyin	1,458	1,309	1,430	1,306	...	...	53	59
	Shwegyin Small Cause Court	102	102	159	188	...	...	3	7
	Toungoo	873	805	804	807	6	...	12	10
	Toungoo Small Cause Court	321	240	322	240	...	...	...	...
	Tavoy	428	589	438	579	...	...	5	15
	Mergui	540	540	536	557	...	1	23	6
	Salween	65	64	64	67	...	...	3	...
	Moulmein Judge's Court	195	161	178	190	15	5	44	15
	Moulmein Judge's Court, Small Cause Side	2,259	2,053	2,276	2,007	9	8	109	62
	Total	8,010	7,946	7,984	8,030	33	16	301	228
	Grand Total	30,123	32,794	30,040	32,674	43	131	801	1,016
	Increase	...	2,671	...	2,634	...	88	...	155
	Decrease	...	...	...	...	...	...	...	...

* Excluding cases received by transfer and cases pending from previous year.

The Deputy Commissioner, Kyaukpyu, attributes the large increase in the number of cases instituted in his district to the failure of crops and consequent inability of cultivators to meet their engagements. The decrease of institutions in Sandoway is attributed by the Deputy Commissioner to a gang of dacoits, who kept the Northern township in a disturbed state during the greater part of the year. The increase in Northern Arakan is due to there having been no Civil Judge at headquarters for the greater portion of the year 1888.

Concerning the increase in Pegu the Deputy Commissioner says—

"The most remarkable increase was in suits for immoveable property. The great rise in the price of paddy caused a corresponding rise in the value of arable land, and consequently a number of persons sued to recover possession of land which, they alleged, they had orally mortgaged, in most cases during the disturbances of 1885-86, and which the present holders alleged they had purchased outright. A great deal of the land of the district was absolutely unsaleable in 1886. Many cultivators absconded without paying the revenue and no purchasers could be found for the abandoned holdings. These same lands are eagerly sought after now. Many a holding which sold for Rs. 200 in 1884 or 1885 is worth Rs. 800 or Rs. 1,000 now. Nearly all this litigation about land arose from the unutterable carelessness of Burmans in providing no documentary evidence of transactions affecting immoveable property. In most cases the claimants failed to oust the parties in possession."

There has been an increase in suits in the Prome district which the Deputy Commissioner attributes to the restoration of order. The same explanation may be given for the increase of institutions in the districts of Hanthawaddy, Henzada, Thôngwa, and Thayetmyo. It is noticeable that there has been no increase in the districts of Bassein and Tharrawaddy. Every district in the Tenasserim division shows a decrease of institutions with the exception of Amherst and Tavoy. There was also a decrease of 240 institutions in the Court of the Judge of Moulmein.

The Deputy Commissioner of Toungoo attributes the decrease in his district to the opening of the railway which, he says, has rendered trade within the district less brisk, owing partly to the closing of construction works, and partly to the fact that buyers make use of the railway to go and make their purchases elsewhere. The Judge of Moulmein attributes the decrease in his Court, as he did in the previous year, to the operation of the Debtors Act, the full effect of which had not then been realized. The increase of institutions in Tavoy is due to the restoration of order in that district. The increase in Amherst is attributed by the Deputy Commissioner to the short harvests of 1887 and 1888, which have rendered the meeting of obligations more difficult and have given rise to more litigation.

Out of the total number of cases disposed of in the year 5,621 cases were dealt with under Small Cause Court powers, and out of the total number of cases so dealt with 2,097 were instituted and disposed of in the Court of the Judge of Moulmein. Much relief has been given to the Judge of Moulmein on the Small Cause Court side of his Court by investing his Chief ministerial officer, Mr. J. D. Bayly, under section 86 (i) (*b*) of the Lower Burma Courts Act, with the power to deal with cases of the Small Cause Court class up to Rs. 20 in value. These powers Mr. Bayly exercised from the 13th August 1889, since which date up to the close of the year he disposed of 238 out of the total 2,097 cases above noticed.

5. The following table shows the character of the original litigation in the different districts and classes of Courts :—

Division.	Name of district.	Number of suits.													
		On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For moveable property or value thereof.	For damages.	For immoveable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial rights.	Other suits	Total.
Arakan.	Akyab ...	446	224	11	19	94	108	185	215	80	53	3	20	42	1,500
	Akyab Small Cause Court.	388	41	2	27	102	114	1	11	...	...	...	...	...	686
	Kyaukpyu	130	207	...	15	148	52	25	115	78	103	9	11	28	925
	Sandoway	25	53	15	0	46	21	5	62	30	35	6	2	13	322
	Northern Arakan ...	...	...	...	85	31	...	...	6	7	5	...	24	15	177
	Total ...	909	525	28	155	421	295	216	409	190	196	18	57	98	3,604
Pegu.	Hanthawaddy ...	212	136	3	122	309	109	28	270	42	94	...	23	15	1,365
	Pegu	487	704	15	14	219	93	25	135	68	106	...	32	19	1,947
	Pegu Small Cause Court	27	85	5	8	73	18	11	18	3	2	...	...	...	200
	Tharrawaddy ...	378	286	2	112	281	131	2	478	342	69	2	47	50	2,180
	Tharrawaddy Small Cause Court.	16	38	...	...	85	6	3	5	57	...	...	...	...	205
	Prome	322	450	5	31	542	101	21	263	458	203	1	62	56	2,535
	Prome Small Cause Court.	190	94	5	25	140	...	46	...	...	...	...	...	...	500
	Total ...	1,632	1,740	35	318	1,670	458	136	1,169	970	474	3	184	140	8,933
Irrawaddy.	Henzada	268	832	19	587	211	82	7	905	447	145	...	63	10	3,436
	Henzada Small Cause Court.	7	72	2	30	60	15	2	11	35	...	...	...	...	209
	Bassein	367	600	15	105	647	106	99	340	655	184	...	118	75	3,430
	Bassein Small Cause Court.	90	85	10	17	104	56	5	44	10	...	...	...	...	427
	Thôngwa	677	914	4	27	823	370	26	251	333	146	0	84	30	3,697
	Thôngwa Small Cause Court.	87	205	...	...	211	37	4	...	...	...	...	...	...	004
	Thayetmyo	260	339	4	8	233	42	19	211	138	59	1	10	20	1,356
	Thayetmyo Small Cause Court.	54	6	1	5	17	8	1	...	1	...	...	...	...	93
	Total ...	1,786	2,706	55	785	2,325	761	103	1,122	1,619	534	7	284	144	12,312
Tenasserim.	Amherst	636	381	7	49	112	142	50	208	70	90	3	30	16	1,854
	Amherst Small Cause Court.	30	87	...	...	...	3	...	10	...	...	...	...	...	130
	Shwegyin	107	277	15	18	379	60	52	171	46	49	...	39	7	1,300
	Shwegyin Small Cause Court.	18	41	...	...	61	20	1	18	13	...	...	...	...	192
	Toungoo	205	64	6	52	175	30	6	67	67	34	...	32	37	805
	Toungoo Small Cause Court.	83	22	9	23	56	23	...	34	...	..	...	...	...	240
	Tavoy	119	96	14	21	119	20	55	43	25	39	2	3	24	580
	Mergui	200	68	0	31	84	12	25	80	35	10	...	7	11	540
	Salween	20	0	1	4	8	1	1	1	2	4	...	3	3	54
	Moulmein Judge's Court	37	1	...	5	...	...	...	11	6	4	2	8	85	161
	Moulmein Judge's Court, Small Cause Side.	987	156	66	89	317	235	91	83	29	...	...	...	...	2,053
	Total ...	2,502	1,302	127	292	1,331	583	281	769	295	230	7	122	188	7,946
	Grand Total 1889 ...	6,918	6,173	245	1,544	5,750	2,118	706	3,482	3,074	1,413	35	647	503	32,704
	In 1888 ...	6,386	5,137	251	1,114	5,255	2,038	653	3,698	3,063	1,002	28	634	534	30,123
	Increase ...	532	736	...	430	501	85	143	...	11	851	7	...	20	2,671
	Decrease ...	...	...	6	...	...	...	...	111	...	...	...	97	...	...

The increase in the number of suits for immoveable property is very general and there is no doubt that the cause of this increase is that suggested by Mr. Irwin in the passage quoted in the preceding paragraph from his report.

The proportion of suits on unwritten obligations to total suits on obligations is 47 per cent. as compared with 46 per cent. in 1888, 42 per cent. in 1887, and 39 per cent. in 1886. In the Irrawaddy and Pegu divisions this proportion is 60 and 51 per cent. respectively, whereas in the more backward divisions of Tenasserim and Arakan it amounts to 32 and 34 per cent. only. Many of the District Officers report that there are indications that the Burmese are beginning to recognize the necessity of reducing all obligations to writing.

There is a decrease in matrimonial suits, which the Deputy Commissioner, Akyab, so far as his district is concerned, would attribute to a ruling of this Court given in Circular 35 of 1886. There was, however, an increase in this class of suits in 1888, and it is doubtful whether the decrease last year is due to anything else than ordinary fluctuation. In Northern Arakan, out of the 171 suits instituted, no less than 24 were matrimonial suits. The Commissioner says:

"The husband pays the family of the woman a certain fee. In the event of the woman leaving her husband for any cause an action is laid for recovery of the wife or return of the marriage fee."

6. The table below shows the value of original suits.

Division.	Name of district	Number of suits instituted not exceeding in value							Exceeding Rs 10,000.	Number of suits the value of which cannot be estimated in money.	Total value of suits.
		Rs 10	Rs 50.	Rs. 100.	Rs 500.	Rs 1,000.	Rs 5,000.	Rs 10,000.			Rs. A. P
Arakan	Akyab	169	758	305	193	31	26	1	..	17	1,47,096 14 6
	Akyab Small Cause Court	84	256	148	198	..	..	..	..	..	57,094 4 5
	Kyaukpyu	260	466	117	56	..	..	..	..	17	34,159 15 10
	Sandoway	108	164	26	16	..	..	..	..	8	9,630 8 9
	Arakan Hill Tracts	21	78	35	33	..	..	..	..	4	12,715 5 0
	Total	651	1,722	631	496	31	26	1	..	46	2 60,697 0 6
Pegu.	Hanthawaddy	261	551	231	248	29	15	..	1	29	1,63,803 13 5
	Pegu	159	625	557	494	47	22	2	..	41	2,60,626 2 7
	Pegu Small Cause Court	65	135	..	..	..	..	..	..	..	4,214 14 6
	Tharrawaddy	262	1,086	505	236	10	7	..	..	74	1,24,502 12 4
	Tharrawaddy Small Cause Court.	80	175	..	..	..	..	..	..	..	5,822 4 11
	Prome	584	1,221	425	227	10	12	1	..	105	1,56,483 13 10
	Prome Small Cause Court	93	231	102	74	..	..	..	..	..	24,515 7 0
	Total	1,404	4,024	1,820	1,279	96	56	3	1	249	7,89,669 4 7
Irrawaddy	Henzada	381	1,040	582	354	9	5	..	..	65	1,44,901 5 2
	Henzada Small Cause Court	108	161	..	..	..	..	..	..	..	5,031 11 10
	Bassein	571	1,502	662	511	46	14	..	..	124	2,89,161 6 9
	Bassein Small Cause Court	144	219	84	..	..	..	..	..	..	10,018 5 5
	Thôngwa	424	1,355	987	807	24	11	1	..	88	3,00,915 2 1
	Thôngwa Small Cause Court	168	436	..	..	..	..	..	..	..	12,481 11 8
	Thayetmyo	287	618	267	119	8	1	1	..	25	81,977 9 6
	Thayetmyo Small Cause Court.	20	45	17	11	..	..	..	..	..	4,417 14 10
	Total	2,103	5,406	2,549	1,882	87	31	2	..	302	7,98,905 3 3
Tenasserim	Amherst	154	817	429	378	19	11	1	..	45	1,88,144 3 5
	Amherst Small Cause Court	40	90	..	..	..	..	..	..	..	3,141 12 6
	Shwegyin	163	523	340	233	7	3	..	..	40	94,155 7 0
	Shwegyin Small Cause Court.	61	131	..	..	..	..	..	..	..	3,807 0 0
	Tonngoo	113	287	116	208	19	22	..	..	40	92,888 11 8
	Toungoo Small Cause Court	51	144	54	..	..	..	..	..	..	7,189 10 11
	Tavoy	114	306	92	63	8	5	1	..	..	55,668 5 6
	Mergui	94	252	119	67	1	..	..	..	7	30,758 1 0
	Salween	4	27	12	16	..	1	..	..	4	6,463 10 2
	Moulmein Judge's Court	..	6	6	50	13	67	5	5	9	3,10,140 6 0
	Moulmein Judge's Court, Small Cause Side.	282	955	369	405	42	..	..	..	..	1,73,560 0 0
	Total	1,076	3,538	1,537	1,420	109	109	7	5	145	9 66,162 3 9
	Grand Total 1889	5,234	14,690	6,537	5,027	323	222	13	6	742	27,65,433 12 1
	In 1888	4,930	13,703	5,744	4,484	325	181	29	18	709	27,82,088 15 9
	Increase	304	987	793	543	..	41	..	..	33	....
	Decrease	..	..	..	..	2	..	16	12	..	16,655 3 8

Like last year, notwithstanding the increase in institutions, there has been a decrease in the value of suits instituted, amounting to Rs. 16,655. Out of a total number of 32,794 suits instituted 61 per cent. did not exceed Rs. 50 in value. In 1887 and 1888 the percentages were respectively 60 and 62 per cent.

The decrease in the value of suits is almost entirely due to the Judge's Court, Moulmein, where the decrease amounted on both sides of the Court to Rs. 2,87,065.

There was also a decrease of over Rs. 26,000 in the Arakan division. In the Pegu and Irrawaddy divisions there has been a large increase in the value of institutions, amounting respectively to over 1½ and 1¼ lakhs, due no doubt chiefly to the increase in suits for immoveable property. The decrease in the value of suits in the Court of the Judge of Moulmein is partly due to the decrease in institutions and partly to a large decrease in suits in that Court for immoveable property.

7. The manner in which the litigation was disposed of in the several Courts is shown below.

Division.	Name of district.	Number of cases brought on the file, including pending from last year.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed ex parte.	Dismissed ex parte.	Contested cases. Judgment for plaintiff in whole or in part.	Contested cases. Judgment for defendant.	Total disposed of.	Pending.	Referred to arbitration.
Arakan.	Akyab	1,536	...	20	262	16	128	252	348	36	290	94	1,401	45	9
	Akyab Small Cause Court ...	701	...	1	76	8	29	103	205	9	131	40	602	...	...
	Kyaukpyu	238	...	1	172	1	75	142	68	44	280	132	924	14	...
	Sandoway	333	...	...	58	1	41	66	27	3	97	39	327	6	...
	Northern Arakan ...	171	...	2	...	1	...	7	1	...	7	...	170	1	152
	Total ...	3,679	...	24	568	27	273	600	730	92	820	305	3,004	75	161
Pegu.	Hanthawaddy	1,305	...	3	474	65	58	199	177	1	207	107	1,276	19	...
	Pegu	1,990	...	32	550	15	93	303	260	9	440	176	1,951	33	7
	Pegu Small Cause Court ...	219	...		61	...	16	37	37	1	39	21	202	10	...
	Tharrawaddy ...	2,216	...	2	637	36	134	237	204	17	547	227	2,143	73	2
	Tharrawaddy Small Cause Court.	206	...	...	55	4	2	28	15	2	61	37	204	2	...
	Prome	2,572	3	4	602	10	76	276	245	58	899	319	2,491	81	2
	Prome Small Cause Court ...	515	1	...	124	9	7	171	70	...	103	17	501	14	...
	Total ...	9,106	4	41	2,503	139	381	1,307	1,008	88	2,396	1,004	8,868	238	11
Irrawaddy.	Henzada	2,518	...	3	571	45	190	381	160	105	613	303	2,436	80	7
	Henzada Small Cause Court	260	23	...	140	...	7	26	16	...	38	20	247	3	...
	Bassein	3,531	2	63	845	22	215	308	484	82	924	472	3,486	93	3
	Bassein Small Cause Court	490	...	1	152	..	14	117	68	..	94	21	497	3	...
	Thôngwa	3,815	1	10	1,445	23	134	478	338	21	753	336	3,905	210	47
	Thôngwa Small Cause Court	510	...	...	340	8	4	57	105	1	51	23	591	19	2
	Thayetmyo	1,400	4	1	347	44	114	295	184	13	949	149	1,393	67	7
	Thayetmyo Small Cause Court.	93	...	...	10	...	4	68	5	3	2	1	93	...	...
	Total ...	12,647	29	78	3,920	142	662	1,660	1,370	285	2,724	1,345	12,172	475	66
Tenasserim.	Amherst	1,012	4	47	127	35	95	322	338	125	511	255	1,960	52	5
	Amherst Small Cause Court	182	...	...	...	...	35	32	21	1	32	9	130	2	...
	Shwegyin	1,365	...	57	161	17	95	273	105	16	425	151	1,306	59	6
	Shwegyin Small Cause Court	195	...	5	20	2	4	62	32	...	50	14	188	7	..
	Toungoo	817	..	1	92	19	37	214	95	3	251	95	807	10	...
	Toungoo Small Cause Court	240	...	...	43	1	13	67	42	...	61	23	249	...	...
	Tavoy	504	...	...	40	12	21	120	35	5	242	95	570	15	...
	Mergui	563	...	...	55	1	10	178	98	4	147	63	557	6	...
	Salween	67	...	...	12	1	...	1	20	...	24	11	67	...	...
	Moulmein Judge's Court ...	205	...	...	7	3	16	16	37	...	84	21	190	15	6
	Moulmein Judge's Court, Small Cause Side.	2,189	2	2	284	12	119	121	703	3	619	175	2,097	62	6
	Total ...	6,258	6	112	859	103	438	1,306	1,536	157	2,444	912	8,030	228	23
	Grand Total 1889 ...	33,690	39	255	7,745	411	1,774	4,903	4,703	622	8,374	3,566	32,674	1,016	261
	In 1888 ...	30,901	45	93	7,052	426	1,768	4,328	4,372	536	7,636	3,515	30,040	861	96

The percentage of contested cases (36·5) is almost the same as in the previous year (37·). As was noticed in last year's report this percentage is considerably above that of the Courts of Lower Bengal. In 1888 the proportion of contested cases in Bengal, the Central Provinces, the North-Western Provinces, and the Punjab was respectively 21·7, 29, 29, and 30. In the Assam Valley districts,

the only portion of the province of Assam where the civil judicial administration is similar to that of Burma, the percentage of contested cases in 1888 was as high as 33·69, whereas in the district of Sylhet, where the judicial system is the same as that of Lower Bengal, the percentage was as low as 18·24. The inference from these figures is that in provinces where the judicial system is "non-regulation" the proportion of contested cases is always higher than it is in the "regulation" district and provinces.

The percentage of the whole number of cases decided against and in favour of plaintiffs is shown below.

	1887.	1888.	1889.
Decided against plaintiff	37	39	39
Compromised	7	6	5
Decided in favour of plaintiff	56	55	56

As was pointed out by me last year, the percentage of cases in Lower Burma in which the plaintiff succeeds is far below that of Lower Bengal. It is difficult to explain this except on the assumption, which I am inclined to think has some basis, that the Burman Myoôk requires stricter proof from the plaintiff in the large number of cases in which the evidence on both sides is entirely oral than is demanded of him in similar cases by the Courts in India.

8. The average duration of suits in Courts of original jurisdiction was as follows:

Division.	Name of district.	Average duration of suits.			
		For previous year.		*For year of report.*	
		Contested.	Uncontested.	Contested.	Uncontested.
		Days.	Days.	Days.	Days.
Arakan.	Akyab	20	11	28	15
	Akyab Small Cause Court	10	12	10	10
	Kyaukpyu	12	6	10	4
	Sandoway	15	10	14	9
	Northern Arakan	18	8	5	10
	Total ...	16	10	15	13
Pegu.	Hanthawaddy	16	9	19	9
	Pegu	25	14	27	14
	Pegu Small Cause Court	16	8	19	13
	Tharrawaddy	19	12	13	13
	Tharrawaddy Small Cause Court	7	7	7	7
	Prome	24	13	17	12
	Prome Small Cause Court	14	12	12	12
	Total ...	21	13	18	12
Irrawaddy.	Henzada	15	9	21	10
	Henzada Small Cause Court	15	8	13	8
	Bassein	21	14	25	14
	Bassein Small Cause Court...	8	9	13	12
	Thôngwa	24	16	35	21
	Thôngwa Small Cause Court	17	13	21	17
	Thayetmyo	19	14	21	14
	Thayetmyo Small Cause Court	8	8	2	8
	Total ...	20	14	26	15
Tenasserim.	Amherst	14	8	14	9
	Amherst Small Cause Court	13	10	9	8
	Shwegyin	16	12	14	8
	Shwegyin Small Cause Court	7	6	8	7
	Toungoo	12	8	14	10
	Toungoo Small Cause Court	10	8	8	7
	Tavoy	18	8	19	10
	Mergui	20	18	22	11
	Salween	14	10	22	11
	Moulmein Judge's Court	75	33	103	52
	Moulmein Judge's Court, Small Cause Side ...	23	14	22	15
	Tota ...	19	12	20	11
	Grand Total ...	20	12	21	13

I am not disposed to put much faith in the figures of the above table and I attach little importance to it. I observe that the High Court of Calcutta in their Civil Justice Report for 1888 also regarded with like distrust the similar figures submitted by the Courts of Bengal. They say:

"There is much reason to believe that even from single Courts (the figures are) not properly calculated, while for groups of Courts it cannot be prepared without information which is not available."

The same remarks apply here, and I am unable to give the duration for groups of Courts separately, *e.g.*, Township Courts, District Courts, Commissioners' Courts, Small Cause Courts (*a*) under regular procedure, (*b*) under summary procedure. Without such information it is impossible to draw any inferences from average durations for all classes of Courts taken together in the province. I will only point out that in the Central Provinces the average duration in 1888 for all Courts was 53 days in contested and 31 in uncontested cases. In the Assam Valley districts, where the judicial system corresponds with that we have here, the average duration in the Courts of officers vested with the powers of Munsifs was 72 days in contested and 30 days in uncontested cases tried under ordinary procedure; when tried under Small Cause Court procedure the averages were 25 and 24 days respectively. In the Punjab the average duration in Munsifs' and Tahsildars' Courts was not less than a month in contested or less than three weeks in uncontested cases; in the superior Courts the durations are of course much longer. I must therefore regard with suspicion a table which shows that, taking all the Courts together of each district in Lower Burma, from the Commissioner's Court down to that of the ordinary Myoôk, the average duration in no district is greater than 35 days in contested and 21 days in uncontested cases, while in the majority of districts these averages do not exceed three weeks and a fortnight respectively. I shall have to make enquiries as to how the several District Officers have arrived at their figures as set forth in the above table.

The Judge of Moulmein explains that but for six abnormally long cases in which commissions were issued to foreign Courts, and which for this reason had to be kept on the file for nearly three years, the duration of his contested cases on the superior side of his Court would have been 72 days only instead of 103. Similarly four uncontested cases were delayed by being kept pending under section 99A, Civil Procedure Code, while in two cases process had to issue to Bangkok and Zimmè.

The Deputy Commissioner of Thôngwa explains the very high duration of his cases by the bad state of the means of communication in his district, by the Courts being overworked, and by the inconvenience of the existing distribution of officers and their jurisdictions. He makes certain proposals for altering existing jurisdictions, which need not be referred to here, as it is understood from the Deputy Commissioner's report that they have already been submitted to the Chief Commissioner and are under consideration.

It is noticeable that in some districts the average duration of uncontested cases exceeds that of the contested cases. No explanation is given of this. The Akyab Small Cause Court has for the past three years been a delinquent in this respect.

9. The following table shows the number of applications for execution and the degree in which the applications were satisfied :—

Division.	Name of district.	Number of applications for execution, including those pending from last year.	Decrees completely executed.	Decrees partially executed.	Pending at close of year.
Arakan.	Akyab	521	155	103	81
	Akyab Small Cause Court	226	68	80	3
	Kyaukpyu	258	100	73	14
	Sandoway	61	20	15	1
	Northern Arakan	...	...	...	...
	Total ...	1,061	352	230	49
Pegu.	Hanthawaddy	372	176	74	20
	Pegu	471	165	98	20
	Pegu Small Cause Court	48	21	10	3
	Tharrawaddy	452	102	106	26
	Tharrawaddy Small Cause Court	45	18	10	1
	Prome	495	251	93	38
	Prome Small Court	76	17	17	5
	Judicial Commissioner, Lower Burma ...	...	...	...	...
	Total ...	1,959	805	408	113
Irrawaddy.	Henzada	411	138	100	21
	Henzada Small Cause Court	...	...	...	...
	Bassein	709	256	132	41
	Bassein Small Cause Court	72	19	17	2
	Thôngwa	809	174	106	67
	Thôngwa Small Cause Court	46	1	...	5
	Thayetmyo	294	90	78	18
	Thayetmyo Small Couse Court	47	16	30	1
	Total ...	2,478	694	458	155
Tenasserim.	Amherst	738	285	117	76
	Amherst Small Cause Court	52	18	6	8
	Shwegyin	448	164	101	40
	Shwegyin Small Cause Court	68	15	14	...
	Toungoo	288	90	65	8
	Toungoo Small Cause Court	75	16	7	...
	Tavoy	147	72	39	8
	Mergui	187	78	33	7
	Salween	16	5	5	...
	Moulmein Judge's Court	120	18	35	18
	Moulmein Judge's Court, Small Cause Side ...	1,095	129	174	44
	Total ...	3,229	880	596	194
	Grand Total 1889 ...	8,727	2,731	1,692	511
	In 1888 ...	7,850	2,377	1,492	509

The number of applications for execution is larger than in any previous year except 1886, when it was 8,739; every division shows an increase.

The proportion of wholly successful and wholly infructuous applications to total applications disposed of are shown below.

	1886.	1887.	1888.	1889.
Wholly successful	34	33	33	33
Partially successful	23	21	20	21
Wholly infructuous	43	46	47	46

The Deputy Commissioner, Akyab, says :

"In my Court inspections I find that a very large number of cases are settled out of Court and in very few instances do the people take the trouble to protect themselves by certifying payment to the Court."

The same remark is, I think, applicable to all Courts in Lower Burma.

10. Processes of execution were issued as follows:

Division.	Name of district.	Mode of execution.						Orders under section 243, Civil Procedure Code.
		Delivery of possession.	Imprisonment of person.	Moveable property.		Immoveable property.		
				Attached.	Sold.	Attached.	Sold.	
Arakan.	Akyab	18	4	108	63	51	39	...
	Akyab Small Cause Court	...	1	33	15	1	1	...
	Kyaukpyu	...	8	101	35	48	20	...
	Sandoway	2	1	12	7	16	9	...
	Northern Arakan	...	...	...	...	...	...	...
	Total	20	9	254	120	116	69	...
Pegu.	Hanthawaddy	21	3	135	40	55	23	...
	Pegu	3	4	151	56	67	37	...
	Pegu Small Cause Court	...	...	25	8	4	2	...
	Tharrawaddy	3	5	152	49	94	43	...
	Tharrawaddy Small Cause Court	...	2	18	3	2	1	...
	Prome	2	3	136	49	167	78	...
	Prome Small Cause Court	...	2	23	15	...	...	...
	Judicial Commissioner, Lower Burma	...	...	...	...	...	...	...
	Total	29	19	640	220	389	184	...
Irrawaddy.	Henzada	...	...	187	80	40	20	...
	Henzada Small Cause Court	...	...	...	...	...	...	...
	Bassein	22	6	196	59	80	34	...
	Bassein Small Cause Court	...	1	19	9	3	1	...
	Thôngwa	4	2	186	58	106	53	...
	Thôngwa Small Cause Court	...	...	1	...	...	...	...
	Thayetmyo	3	6	94	41	24	20	...
	Thayetmyo Small Cause Court	...	5	1	1	...	...	...
	Total	29	20	634	198	253	128	...
Tenasserim.	Amherst	4	11	159	57	111	62	...
	Amherst Small Cause Court	...	...	19	6	...	...	...
	Shwegyin	...	3	123	37	95	55	...
	Shwegyin Small Cause Court	...	...	16	7	8	5	...
	Toungoo	...	3	89	31	35	34	...
	Toungoo Small Cause Court	...	2	14	3	1	1	...
	Tavoy	14	6	21	8	44	14	...
	Mergui	...	9	12	12	21	21	...
	Salween	1	...	6	...	1	1	...
	Moulmein Judge's Court	...	...	11	5	11	7	...
	Moulmein Judge's Court, Small Cause Side	...	19	46	33	...	...	...
	Total	19	53	516	201	327	200	...
	Grand Total 1889	97	101	2,044	739	1,085	581	...
	In 1888	54	156	1,603	673	877	429	...

The number of imprisonments during the past six years is shown below.

1884	487
1885	377
1886	282
1887	224
1888	156
1889	101

In 1888 and 1889 the Debtors Act has combined with other causes which have been steadily operating since 1884 to reduce the number of imprisonments for debt. In last year's report I noticed a decrease of 44 cases of imprisonment in the Tenasserim division; there has been a further decrease of 35 cases in the year under report.

11. The following table shows the number of persons who applied to be declared insolvent:—

Division.	Name of district.	Number of persons who applied to be declared insolvent.	Number of applications granted.	Number dismissed or rejected.	Total disposed of.	Pending.	Remarks.
Arakan.	Akyab	...	...	...	...	...	
	Kyaukpyu	...	...	...	...	...	
	Sandoway	...	...	...	...	...	
	Total ...	...	...	...	...	...	
Pegu.	Hanthawaddy	...	...	...	...	...	
	Pegu	...	...	...	...	...	
	Tharrawaddy	1	1	...	1	...	
	Prome	3	2	1	3	...	
	Total ...	4	3	1	4	...	
Irrawaddy.	Henzada	1	...	...	1	...	1 withdrawn.
	Bassein	9	5	1	9	...	3 withdrawn.
	Thôngwa	...	...	...	...	...	
	Thayetmyo	...	...	...	...	...	
	Total ...	10	5	1	10	...	4 withdrawn.
Tenasserim.	Amherst	5	3	...	4	1	1 withdrawn.
	Shwegyin...	3	...	1	3	...	2 withdrawn.
	Toungoo	13	8	5	13	...	
	Tavoy	4	2	...	4	...	2 withdrawn.
	Mergui	2	1	1	2	...	
	Salween	...	...	...	...	...	
	Judge of Moulmein	14	6	...	14	...	8 withdrawn.
	Total ...	41	20	7	40	1	18 withdrawn.
	Grand Total 1889 ...	55	28	9	54	1	17 withdrawn.
	In 1888 ...	118	57	31	113	5	25 withdrawn.

The number of insolvency applications is less than half the number in 1888, and less than one-fourth the number in 1887. The decrease is of course due to the same causes which have effected such a marked reduction in the number of imprisonments for debt. The figures of the Judge of Moulmein are, however, misleading as they refer only to applications under Chapter XX of the Civil Procedure Code, 1882, which since the passing of the Lower Burma Courts Act, has ceased to apply to his Court, all applications for insolvency relief being now made under the Statute 11 and 12 Vic., Chapter XXI. The result has been a considerable increase in the number of applications, which, including both those under the Civil Procedure Code and those under the Statute, amounted to 43.

II.—Appellate Jurisdiction.

12. The following table shows the number and result of appeals preferred to the District or Deputy Commissioner's Court from the decrees of the subordinate Courts, the number pending at the close of the year, and the average duration of appeals:—

Division.	Appellate Court.	Number of appeals preferred.*	Number of appeals disposed of.						Pending.		Average duration of appeals.
			Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of, including transfers.	Total.	Over three months.	Total.	
											Days.
Arakan.	Akyab	46	32	1	1	14	1	49	.	8	30
	Kyaukpyu ..	99	63	7	1	22	1	94	1	8	25
	Sandoway ...	37	20	4	2	9	1	36	...	1	31
	Northern Arakan ..	...	...	...	...	...	...	...	...	...	
	Total ...	182	115	12	4	45	8	179	1	12	28
Pegu.	Hanthawaddy ...	52	20	1	...	12	10	52	...	...	19
	Pegu ...	95	62	9	2	18	2	93	2	8	21
	Tharrawaddy ...	70	52	6	1	8	...	67	...	3	7
	Prome	135	75	4	10	41	...	130	...	7	23
	Total ...	352	218	20	18	79	12	342	2	18	19
Irrawaddy.	Henzada ...	105	67	5	2	29	9	112	...	2	32
	Bassein	200	143	9	5	72	3	232	...	9	51
	Thôngwa	95	65	3	2	20	2	92	...	7	17
	Thayetmyo ...	96	70	3	1	24	1	99	.	2	26
	Total ...	496	345	20	10	145	15	535	...	20	36
Tenasserim.	Amherst	95	56	6	4	18	5	89	1	11	17
	Shwegyin ...	86	70	...	...	15	...	85	...	6	6
	Toungoo	52	38	6	...	18	...	52	...	1	12
	Tavoy	79	47	5	...	26	...	78	...	8	20
	Mergui	56	54	...	...	12	..	66	...	1	38
	Salween	1	1	...	...	...	...	1	...	...	9
	Total ...	369	261	17	4	84	5	371	1	27	18
	Grand Total 1889...	1,399	939	69	31	353	35	1,427	4	77	26
	In 1888 ...	1,224	815	88	27	248	23	1,201	17	105	34

* Excluding cases pending from previous year and cases received by transfer.

There has been an increase in the number of appeals to the District Courts as compared with the previous year. The figures given below show that the increase has been steady since 1886.

Year.	Number of appeals preferred.
1884	1,301
1885	1,382
1886	1,102
1887	1,127
1888	1,224
1889	1,399

The appellate work of Deputy Commissioners is now much what it was before the disturbances began.

In 66 per cent. out of the total number of appeals disposed of the decrees of the Lower Court were confirmed against 68 per cent. confirmed in the previous year. As noticed last year this is a high percentage as compared with the results obtained in corresponding Lower Appellate Courts in Bengal. In Bengal, Oudh, the North-Western, Provinces, the Punjab, and Central Provinces the percentages of confirmations were in 1888 respectively 57·21, 62·0, 60·2, 54·6, and 59·0. The District Courts have always been discouraged by me in interfering with the decrees of the first Courts in all cases the determination of which depends solely on the question as to the degree of credibility to be attached to the witnesses on either side.

There has been a substantial decrease in the average duration of appeals from 34 to 26 days, which is satisfactory. Bassein, with an average of 51 days, shows the worst results; the duration figures in appeal cases in this district have never been satisfactory. The appellate work is no doubt heaviest in this district, but the Deputy Commissioner has an Assistant Commissioner with appellate powers to help him and better results ought to be shown. The Assistant Commissioner (Mr. Mitchell) disposed of more than half the total appeals disposed of last year in the Bassein district.

The duration figures of Tharrawaddy and Shwegyin suggest doubtful procedure or a wrong method of calculating durations. It is not improbable that the District Courts in these districts make too free use of section 551 of the Civil Procedure Code. This matter will be inquired into at my next inspection of the District Courts.

13. The following table shows the number and results of appeals to Commissioners' Courts from the decrees of the Deputy Commissioners' or District Courts, the number of appeals pending at the close of the year, and the average duration of appeals:—

Appellate Court.	Number of appeals preferred.*	Number of appeals disposed of.						Pending.		Average duration of appeals.
		Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of, including transfers.	Total.	For more than three months.	Total.	
										Days
Commissioner of Arakan	...	...		...	1	...	1	...		51
Commissioner of Pegu	11	5	3	...	8	2	18	...	...	32
Commissioner of Irrawaddy	2	...	...	...	1	...	1	...	1	121
Commissioner of Tenasserim	2	2	...	...	...	...	2	...	...	48
Total 1889 ...	15	7	3	...	5	2	17	...	1	36
In 1888 ...	13	8	4	1	3	...	16		1	50

* Excluding cases received by transfer and cases pending from previous year.

The number of appeals in which the decree of the first Court was confirmed is less than half the number disposed of. The average duration of the two cases disposed of by the Commissioner of Irrawaddy was abnormally high and has not been explained.

14. The following table shows the number and result of regular appeals preferred in the Court of the Judicial Commissioner:—

Division	Court from whose decision the appeal was made	Number of appeals preferred.*	Number of appeals disposed of: Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of.	Total	Pending
Arakan	Deputy Commissioner, Akyab	1	2	...	...	...	...	2	...
	Deputy Commissioner, Kyaukpyu	4	4	..	...	...	1	5	...
	Deputy Commissioner, Sandoway	...	...	...	...	...	...	...	...
	Commissioner of Arakan	2	1	1	...	...		2	..
	Total	7	7	1	...	...	1	9	..
Pegu	Deputy Commissioner, Hanthawaddy	10	4	...	1	1	...	6	4
	Deputy Commissioner, Pegu	17	8	3	...	3	...	14	7
	Deputy Commissioner, Tharrawaddy	6	5	...	...	2	...	7	..
	Deputy Commissioner, Prome	18	8	...	...	3	1	12	8
	Commissioner of Pegu	4	1	...	1	1	.	3	2
	Total	55	26	3	2	10	1	42	21
Irrawaddy	Deputy Commissioner, Henzada	5	3	...	...	4	1	8	1
	Deputy Commissioner, Bassein	25	14	1	..	10	..	25	6
	Deputy Commissioner, Thôngwa	8	4	...	1	2	...	7	4
	Deputy Commissioner, Thayetmyo	8	2	...	...	2	...	4	4
	Commissioner of Irrawaddy	..	...	...	...	...	...	...	..
	Total	46	23	1	1	18	1	44	15
Tenasserim	Deputy Commissioner, Amherst	8	3	...	...	2	...	5	3
	Deputy Commissioner, Shwegyin	3	2	1	...	2	...	5	1
	Deputy Commissioner, Toungoo	8	5	...	...	1	...	6	3
	Deputy Commissioner, Tavoy	6	5	...	...	2	...	7	2
	Deputy Commissioner, Mergui	2	1	...	...	1	...	2	...
	Deputy Commissioner, Salween	...	...	...	...	...	...	...	...
	Commissioner of Tenasserim	1	...	...	...	1	...	1	...
	Total	28	16	1	...	9	...	26	9
	Grand Total 1889	136	72	6	3	37	3	121	45
	In 1888	125	63	6	5	35	8	119	30

* Excluding cases pending from previous year

More regular appeals were instituted in my Court last year than in any previous year.

The figures for the past six years are given below.

Year.	Appeals instituted.
1884	111
1885	127
1886	84
1887	105
1888	125
1889	136

The proportion of decrees confirmed to total disposed of was 60 per cent. while in the previous year, it was 53 per cent.

15. The following table shows the number and result of miscellaneous appeals preferred to the Court of the Judicial Commissioner :—

Division.	Court from whose decision appeal was made.	Number of appeals preferred.	Number of appeals disposed of: Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of.	Total.	Pending.
Arakan.	Deputy Commissioner, Akyab	1	...	1	...	...	...	1	...
	Commissioner of Arakan	...	...	...	...	...	...	...	...
	Total	1	...	1	...	...	...	1	...
Pegu	Deputy Commissioner, Prome	2	...	...	...	2	...	2	...
	Total	2	...	...	...	2	...	2	...
Irrawaddy.	Deputy Commissioner, Thayetmyo	...	1	...	...	...	...	1	...
	Total	...	1	...	...	...	...	1	...
Tenasserim.	Deputy Commissioner, Amherst	1	...	...	1	...	...	1	...
	Deputy Commissioner, Tavoy	1	...	...	...	1	...	1	...
	Total	2	...	...	1	1	...	2	...
	Grand Total 1890	5	1	1	1	3	...	6	...
	In 1889	13*	11	...	...	...	1	12	1

* Excluding cases pending from previous year.

These figures call for no remark.

16. The following table shows the number and result of applications for revision preferred to the Judicial Commissioner under section 622 of the Code of Civil Procedure and section 25 of the Provincial Small Cause Courts Act :—

Division.	Court for revision of whose decision application was made.	Number of applications preferred.	Number of applications disposed of: Confirmed.	Modified.	Remanded.	Reversed.	Otherwise disposed of.	Total.	Pending.
Arakan.	Small Cause Court, Akyab	1	...	...	...	...	...	...	1
	Total	1	...	...	...	...	...	...	1
Pegu.	Deputy Commissioner, Hanthawaddy	4	4	...	...	...	...	4	...
	Deputy Commissioner, Pegu	4	4	...	...	...	...	4	...
	Assistant Commissioner, Pegu	1	...	...	...	...	...	...	1
	Deputy Commissioner, Tharrawaddy	5	5	...	...	...	...	5	...
	Small Cause Court Judge, Prome	2	1	...	...	1	...	2	...
	Myook, Pegu	1	1	...	...	...	...	1	...
	Total	17	15	...	...	1	...	16	1
Irrawaddy.	Deputy Commissioner, Bassein	3	3	...	...	...	...	3	...
	Deputy Commissioner, Thôngwa	5	3	1	...	...	...	4	1
	Myook, Thayetmyo	1	...	...	...	1	...	1	...
	Total	9	6	1	...	1	...	8	1
Tenasserim.	Deputy Commissioner, Amherst	...	...	...	...	...	...	...	...
	Deputy Commissioner, Toungoo	...	...	...	...	...	...	...	...
	Deputy Commissioner, Shwegyin	2	2	...	...	...	...	2	...
	Judge of Moulmein	4	4	...	...	...	...	4	...
	Assistant Commissioner, Toungoo	...	...	...	...	...	...	...	...
	Total	6	6	...	...	...	...	6	...
	Grand Total 1890	33	27	1	...	2	...	30	3
	In 1889	17	13	...	...	...	2	20	...

* Excluding cases pending from previous year.

This statement also calls for no remark.

17. In addition to the work disposed of by the Judicial Commissioner, as shown in the tables given in the last three paragraphs, he disposed of 63 miscellaneous applications; out of these nine were for review of judgment; 14 were applications containing general complaints against the proceedings or conduct of presiding officers of Lower Courts; four were complaints against the conduct of Advocates; 29 were applications preferred by Advocates for enrolment or renewed certificates, or for permission to practise in other districts, or for reinstatement; one was an application for permission to appeal *in formâ pauperis*, four were applications for transfer of cases; and two were applications for stay execution of decree pending disposal of appeal.

III.—Miscellaneous.

18. The following table shows the financial result of the rules framed under section 20 of the Court Fees Act regulating the fees chargeable for serving processes and remuneration of peons of the Civil Courts:—

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges, including salaries of process-servers contingencies, &c.
			Rs. A. P.	Rs. A. P.
Arakan.	Akyab	7,588	5,060 8 0	6,645 4 0
	Kyaukpyu	3,871	2,340 8 0	1,792 8 0
	Sandoway	1,377	878 6 0	660 0 0
	Northern Arakan	95	...	144 0 0
	Total ...	12,931	8,280 6 0	9,241 7 0
Pegu.	Hanthawaddy	4,428	3,013 0 0	2,013 14 8
	Pegu	8,025	5,881 0 0	4,570 15 4
	Tharrawaddy	9,282	5,292 8 0	3,964 1 6
	Prome	10,164	6,321 0 0	4,878 0 0
	Total ...	31,899	20,507 8 0	15,485 15 1
Irrawaddy.	Henzada	9,503	6,844 2 0	4,186 12 0
	Bassein	13,037	8,307 8 0	6,748 0 0
	Thôngwa	14,189	8,601 8 0	5,783 15 2
	Thayetmyo	4,853	3,009 6 0	2,208 10 8
	Total ...	42,182	26,762 8 0	18,927 5 5
Tenasserim.	Amherst	7,165	4,624 0 0	3,825 6 0
	Shwegyin	5,541	3,234 0 0	338 13 8
	Toungoo	4,702	3,099 8 0	2,158 15 0
	Tavoy	2,570	1,589 0 0	1,632 0 0
	Mergui	2,270	1,359 8 0	855 0 0
	Salween	2,266	183 0 0	111 0 0
	Moulmein	7,111	6,896 0 0	1,726 8 0
	Total ...	31,625	20,985 0 0	10,647 10 8
	Grand Total 1889 ...	118,637	76,535 6 0	54,252 6 2
	In 1888 ...	104,360	70,430 9 0	60,730 6 9

I am not disposed to place implicit confidence in these figures; in the course of my inspections last year I found in some districts that the registers from which the figures are, or ought to be, taken were not properly kept. Accepting the figures, however, as approximately correct, they show a surplus of Rs, 22,283, the largest since 1885.

The charges may possibly be still further, though not very considerably, reduced by the scheme now under consideration for the amalgamation of civil, criminal, and revenue process-serving establishments.

In the course of the year I submitted to the local Government a draft set of rules relating to the following matters:—

(i) the fees chargeable for serving civil, revenue, and criminal processes;

(ii) the establishments to be maintained for the service and execution of such processes;

(iii) the mode of issuing, serving, and executing processes, and the maintenance of process registers.

Apart from the amalgamation scheme which these rules propose, revised rules relating to the above matters are much needed.

19. *Cost of litigation.*—The percentages of costs to value in all Civil Courts for the last six years have been as follows:

	Original.	Appeal.	Execution.
1884	15·65	20·81	2·58
1885	14·10	19·22	1·97
1886	14·56	15·09	1·00
1887	11·71	14·20	·94
1888	14·56	17·48	1·52
1889	14·87	20·75	1·68

The rise in the percentages is due to the same cause as that stated in the preceding year, namely, the fall in the average value of suits.

The highest percentages occur in the outlying districts of Kyaukpyu, Sandoway, Tavoy, and Mergui, where the average values of suits are low.

20. *Advocates.*—The number of Advocates enrolled in this Court during the year was,—1st grade six (of whom four are Barristers-at-Law), 2nd grade three.

Two applicants who did well at the last Advocateship examination held in May 1889, but who failed to secure the minimum aggregate number of marks entitling them to a pass certificate, were permitted to practise as Advocates of the 2nd grade temporarily, subject to their passing at the next examination.

There is reason to suspect that in some districts persons are practising as Advocates who have no proper license to practise, and I have recently found it necessary to call upon all District Officers to require Advocates practising in their districts to produce their licenses with a view to having them submitted to this Court for verification. Rules are also wanted which will require all Advocates holding licenses to practise to submit their licenses annually to my Court for renewal as is the practice in Bengal. Until very recently there was no information in my office as to the number of Advocates of each grade practising in each district or in the province generally; a record was only kept of licenses which have been issued since the establishment of the Judicial Commissioner's Court, and it is feared that some of these licenses are now in the hands of persons not entitled to hold them. The whole question is now under consideration and will be dealt with in the current year. According to the latest reports of the District Officers there are now actually practising in the different districts of Lower Burma 42 Advocates of the 1st grade, 75 of the 2nd grade, and 171 of the 3rd grade. Advocates of the 1st grade are for the most part Barristers-at-Law, who are entitled, without undergoing any examination, to practise as 1st grade Advocates in all Courts, and who all practise in Rangoon or Moulmein. The 2nd and 3rd grade Advocates are fairly distributed throughout the several districts, but more Advocates are wanted. Since the annual Advocate's examination under the auspices of the Educational Syndicate was instituted in 1884 only 7 persons have passed the 1st grade and 12 persons have passed the 2nd grade examination and received licenses to practise as 1st and 2nd grade Advocates. Third grade Advocates were abolished by the Advocate's Examination Rules of 1883. Those now practising as such were licensed under the old rules. It will probably be necessary to restore the 3rd grade Advocate unless more men pass annually, than is the case at present, the 1st and 2nd grade examination.

21. *Inspection.*—During the year all the Courts at the headquarters of the following districts were inspected either by Mr. Meres or myself, namely, Bassein (twice), Tavoy, Mergui, Thôngwa, Henzada, Prome, Thayetmyo, Pegu, Shwegyin, Toungoo. On the whole the result of my inspections was satisfactory, but more care is required in the maintenance of the prescribed registers, more especially in the subordinate Courts, as upon these are based the figures embodied in the annual reports. The rules for the preservation and destruction of records laid down in my predecessor's Circular 6 of 1887 have not yet been fully carried out and in some districts have not been fully understood. They have been carefully explained by me personally to all the district record-keepers in the districts that I have visited, and Deputy Commissioners have

been instructed to see that the rules are now properly acted up to. In all the districts that I have visited I have found the space allotted for records in the record-rooms ample.

The chief mistakes discovered by me in the course of my inspection tours were noticed in my Circular No. 51 of 1889, which, it is believed, has been found useful as enabling District Officers to correct similar mistakes committed in the subordinate Courts in the interior, for the regular inspection of which I have to rely upon the Deputy Commissioners.

There has been considerable improvement both in the amount and quality of the inspection work done by District Officers during the past year in the interior of their districts, where inspection is most wanted. The following statement shows conveniently what this work has been:—

District.	Courts liable to inspection by the District Officer other than those at District Head-quarters.		Courts actually inspected.		Remarks.
	Number of Subdivisional Courts.	Number of Township Courts.	Subdivisional Courts.	Township Courts.	
Akyab	3	8	3	8	
Kyaukpyu	1	4	1	3	Myebôn Township Court not inspected.
Sandoway	...	2	...	2	
Total Arakan division ...	4	14	4	13	
Hanthawaddy	1	4	1	4	
Pegu	1	5	1	5	
Tharrawaddy	1	5	1	3	Gyobingank and Tapnu Township Courts not inspected.
Prome	2	6	1	2	Shwedaung Subivisional Court, Shwedaung, Thègôn, Padaung, and Mahathaman Township Courts not inspected.
Total Pegu division ...	5	20	4	14	
Thôngwa	3	7	1	1	Yandoon and Pantanaw Subdivisional Courts, and Yandoon, Danubyu, Pantanaw, Shwelaung, Dedayè, and Pyapôn Township Courts not inspected.
Bassein	2	8	1	8	
Henzada	2	5	2	5	
Thayetmyo	2	6	2	3	Mindôn, Kawa, and Taingda Township Courts not inspected.
Total Irrawaddy division ...	9	26	6	17	
Amherst	3	11	2	8	Kawkareik Subdivisional Court, and Yelamaing, Wagaru, and Pagat Township Courts not inspected.
Tavoy	...	3	...	3	
Mergui	...	4	...	1	Palaw, Tenasserim, Lenya not inspected.
Toungoo	1	6	...	...	
Shwegyin	2	4	2	4	
Salween	...	...	...	...	
Total Tenasserim division ..	6	28	4	16	
Grand Total ...	24	88	18	60	

The inspection work done in Prome, Thôngwa, and Mergui has been altogether insufficient. As noticed in my Criminal Justice Report for 1888 the Courts in the interior of districts ought to be inspected by the Deputy Commissioner at least once a year. It is useless issuing circulars from my Court unless the District Officer sees by personal inspection that they are acted up to, and by personal explanation assists the Myoôk and his clerks, few of whom know English, in understanding the translated circulars that are issued to the Township Courts, as well as the registers those Courts are required to keep up, and the periodical returns they are required to submit.

22. Mr. Meres was in charge from the beginning of the year to the 4th March, when I took charge.

RANGOON:
The 6th May 1890.

W. E. WARD,
Judicial Commissioner, Lower Burma.

APPENDICES.

JUDICIAL STATEMENT NO. 1 (CIVIL).

Showing the number of Judicial Divisions and the number of officers exercising Appellate or Original Jurisdiction in Lower Burma on the last day of the year 1889 with the cost of Tribunals.

Name of province.			Area.	Population.	Number of divisions for Courts under Chief Court, and superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION. Judges of Chief Court of province.	Judges of other Courts superior to Chief District Court.	Judges of Chief Courts of Districts.	Judges of districts other than Chief Courts.	Judges of other Subordinate Courts.	TOTAL NUMBER OF CASES DECIDED. Original. Regular.	Original. Miscellaneous.	Appeals. Regular.	Appeals. Miscellaneous.	Total receipts of the Courts.	Total charges of the Courts.	Remarks. Grades of Judicial Officers.	European.	Natives.
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		
			Sqr. miles														Rs. A. P.	Rs. A. P.			
LOWER BURMA	Territory subject to the High Court.	Civil ...	86,205	3,722,272	4	19	33	2	4	18	8	132	37,625	5,740	1,442	95	4,38,087 5 1	7,03,808 12 2	Officers exercising both original and appellate jurisdiction. Judicial Commissioner	1	...
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	Recorder of Rangoon	1	...
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	Commissioners	4	...
																			Additional Recorder from 1st January to 31st March.	1	...
																			Deputy Commissioners ...	19	...
																			Assistant Commissioners with appellate powers, (section 23A., Act XVII of 1875).	2	...
	Territory not subject to the High Court.	Civil ...	1,015	14,499	...	1	...	...	...	1	...	...	170	...	...	...	.....	586 10 0			
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	Officers exercising original jurisdiction only. Small Cause Court Judges ...	3	5
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	Assistant Commissioners ...	14	1
																			Extra Assistant Commissioners...	7	21
																			Myooks	4	64
																			Unpaid Judges	...	1
	Total ...		87,220	3,736,771	4	20	33	2	4	19	8	132	37,795	5,740	1,442	95	4,38,087 5 10	7,03,795 6 2			

JUDICIAL STATEMENT No. 7 (CIVIL).

Showing the number and description of suits instituted in the Civil and Revenue Courts in Lower Burma for the year 1889.

Class of Tribunal	SUITS FOR MONEY OR MOVEABLE PROPERTY										SUITS UNDER THE RENT LAW							TITLE AND OTHER SUITS.															
	Contract in writing.	Contract not in writing.	On account stated.	Money lent and received	Goods sold.	Wages, work, and materials.	Breach of contract not mentioned above	Rent not falling under the rent law.	Moveable property or value thereof.	Damages.	Arrears of rent with or without ejectment or enancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts or on account of illegal restraint or other cause.	For pottas or kabulyats.	For ejectment or recovery of possession.	For recovery of money or account from agents.	All other suits under the rent law not included above.	Suits for immoveable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to adoption.	Suits relating to religion and caste	Administration suits.	Inter-pleader suits.	Dissolution of partnership.	Suits under section 261, Act X of 1865 (also Hindu Wills Act)	Other suits not falling under any of the previous heads.	Grand total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
COURTS IN THE INTERIOR.																																			
I.—Civil Courts.																																			
Unpaid Tribunals ...	20	77	...	...	120	34	...	...	7	22	...	...	...	...	...	...	...	...	9	...	1	...	...	...	...	6	...	...	...	...	...	...	...	289
Village Courts ...	4,585	4,852	136	1,784	4,073	1,441	...	539	3,032	2,731	...	...	...	...	...	...	...	...	1,344	37	22	61	33	46	32	439	130	109	...	...	1	...	68	24,301
Paid Subdivisional Tribunals ...	295	271	8	31	253	107	...	52	185	157	...	...	...	...	...	...	...	...	75	4	...	8	6	...	...	25	17	23	...	...	...	...	5	1,559
Small Cause Courts ...	1,953	967	100	230	1,275	534	...	165	231	148	...	...	...	...	...	...	...	...	12	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5008
District Courts other than Chief Courts of Districts.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Courts of Districts ...	65	6	1	99	35	2	...	...	24	16	...	...	...	...	...	...	...	...	20	...	2	65	8	4	...	1	32	2	...	...	37	...	2	1	15	437
Total ...	6,918	6,173	245	1,544	5,756	2,118	...	796	3,482	3,074	...	...	...	...	...	...	...	...	1,443	41	25	154	42	7	...	32	471	176	134	...	...	39	2	3	1	108	32,894
II.—Revenue Courts.																																			
Unpaid local Tribunals ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Other Subordinate Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Collectors' Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Courts at the Presidency or Seat of Government.																																			
Small Cause Court, Rangoon ...	2,098	861	20	177	598	403	...	644	80	18	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4,899
Superior Court (Recorder's) ...	67	1	18	7	4	7	...	2	2	29	...	...	...	...	...	...	...	...	25	5	6	40	11	...	5	...	11	16	...	5*	4	4	...	2	...	...	271
Total ...	2,165	862	38	184	602	410	...	646	82	47	...	...	...	...	...	...	...	...	25	5	6	40	11	...	5	...	11	16	...	5	4	4	...	2	...	...	5,170
GRAND TOTAL ...	9,083	7,035	283	1,728	6,358	2,528	...	1,442	3,564	3,121	...	...	...	...	...	...	...	...	1,468	46	31	194	53	7	5	32	482	192	134	5	4	43	2	5	1	108	37,904

* Suits under Vice-Admiralty jurisdiction.

*JUDICIAL STATEMENT NO. 8 (CIVIL).

Statement showing the number and value of suits instituted in the Civil and Revenue Courts in Lower Burma for the year 1889.

Class of Tribunal.	Number of suits instituted in the different Courts.									Total value of suits.	Remarks.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
COURTS IN THE INTERIOR.										Rs. A. P.	
I.—Civil Courts.											
Unpaid Tribunals	76	142	45	19	...	...	...	...	7	9,774 2 3	
Village Courts	3,818	10,980	5,398	3,994	97	59	...	...	675	16,50,001 9 7	
Paid Subdivisional Tribunals	173	596	329	238	133	57	...	...	43	2,57,539 13 4	
Small Cause Courts	1,146	3,008	724	668	42	...	...	...	...	3,11,245 2 0	
District Courts other than Chief Courts of Districts	...	...	...	...	...	...	...	...	...	...	
Chief Courts of Districts	21	84	41	98	51	106	13	6	17	5,36,873 0 11	
Total	5,234	14,600	6,537	5,027	323	222	13	6	742	27,65,433 12 1	
II.—Revenue Courts											
Unpaid local Tribunals	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	...	
Collectors' Courts	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or Seat of Government.											
Small Cause Courts, Rangoon	549	2,178	868	1,077	134	33	...	...	...	5,10,707 3 3	
Superior Court (Recorder's)	...	1	7	23	22	125	20	26	47	11,70,593 14 6	
Total	549	2,179	875	1,100	156	158	20	26	47	16,81,301 0 9	
GRAND TOTAL	5,783	16,669	7,412	6,127	479	380	33	32	789	44,46,734 13 10	

JUDICIAL STATEMENT No. 9 (CIVIL).

Showing the general result of the trial of Civil and Revenue cases in the Courts of Original Jurisdiction in Lower Burma for the year 1889.

PART I.—Civil Suits.

Class of Tribunal.	Total number of suits before the Courts.	NUMBER OF SUITS DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF CASES		Remarks.
		Transferred to Courts in other provinces.	Without trial	WITHOUT CONTEST.				ON REFERENCE TO ARBITRATION.		WITH CONTEST.				Contested.	Uncontested.	
				Compromised.	Decreed on confession	Decreed *ex parte*.	Dismissed *ex parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
														Days.	Days.	
COURTS IN THE INTERIOR.																
I.—Civil Courts.																
Unpaid Tribunals	229	...	45	35	98	17	11	...	...	68	14	1	...	8	6	
Village Courts	25,543	...	6,694	1,373	3,781	2,976	497	41	23	6,514	769	769	99	20	13	
Paid Subdivisional Tribunals	1,609	...	310	100	166	199	93	17	12	376	226	90	11	33	16	
Small Cause Courts	5,752	...	1,536	247	609	1,459	20	7	1	1,281	401	131	15	23	13	
District Courts other than Chief Courts of Districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of Districts	497	...	26	19	29	52	1	144	17	136	48	25	5	47	40	
Total ...	33,690	...	8,411	1,774	4,963	4,703	622	209	53	8,375	3,566	1,016	131	21	13	
II.—Revenue Courts.																
Unpaid local Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Collectors' Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or Seat of Government.																
Small Cause Courts, Rangoon	5,189	...	651	310	577	1,971	38	...	...	904	426	316	189	25	21	
Superior Courts (Recorder's)	345	...	31	19	10	56	3	...	...	65	38	103	76	123	59	
Total ...	5,534	...	682	329	587	2,027	41	...	...	969	464	413	185	33	22	
GRAND TOTAL ...	39,224	...	9,093	2,103	5,550	6,730	663	209	53	9,364	4,031	1,429	316	22	14	

JUDICIAL STATEMENT NO. 9 (CIVIL).

Showing the general result of the trial of Civil and Revenue cases in the Courts of Original Jurisdiction in Lower Burma for the year 1889.

PART II.—Miscellaneous Cases (Judicial).

Class of Tribunal.	Total number of cases before the Courts.	NUMBER OF SUITS DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of cases contested and uncontested.	Remarks.
		Transferred to Courts in other provinces.	Without trial.	WITHOUT CONTEST.				ON REFERENCE TO ARBITRATION.		WITH CONTEST					
				Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
COURTS IN THE INTERIOR.														Days.	
I.—Civil Courts.															
Unpaid Tribunals	24	...	3	...	3	4	...	...	...	10	4	...	...	8	
Village Courts	3,149	...	737	200	99	198	70	9	7	1,117	600	112	9	13	
Paid Subdivisional Tribunals	336	...	83	20	4	41	19	2	1	98	53	15	2	15	
Small Cause Courts	259	...	56	5	6	54	17	1	1	70	46	3	...	9	
District Courts other than Chief Courts of Districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of Districts	688	...	224	2	26	197	14	1	1	129	68	26	5	16	
Commissioners' Courts	4	...	1	...	...	2	1	...	...	...	...	...	...	3	
Total	4,460	...	1,104	227	138	496	121	13	10	1,424	771	156	16	13	
II.—Revenue Courts.															
Unpaid local Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Collectors' Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or Seat of Government.															
Small Cause Courts, Rangoon	1,334	...	973	4	1	16	1	...	...	214	61	64	9	14·	
Superior Court (Recorder's)	181	...	19	4	5	20	3	...	...	83	32	15	2	27·	
Total	1,515	...	992	8	6	36	4	...	...	297	93	79	11	16·	
GRAND TOTAL	5,975	...	2,096	235	144	532	125	13	10	1,721	864	235	27	14·	

JUDICIAL STATEMENT No. 10 (CIVIL).

Showing the business of the Civil and Revenue Appellate Courts in Lower Burma for the year 1889.

PART I.—Appeals from Decrees.

Class of Tribunal.	Total number of appeals before the Courts.	Transferred to Courts in other provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted	HEARD EX PARTE.				CONTESTED.				Pending.	Of those pending more than three months.	Average duration of appeals.	Objections under section 561, Act XIV of 1882.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.															Days.		
APPEALS FROM ORIGINAL DECREES.																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of Districts	134	...	...	1	3	...	2	...	72	6	41	2	7	...	60	...	
Chief Appellate Courts of Districts	1,370	...	65	34	123	1	2	1	676	62	308	28	70	4	23	2	
Superior Appellate Courts other than Chief Court of Province ...	16	...	...	...	5	3	3	...	2	...	2	...	1	...	41	...	
Total ...	1,520	...	65	35	131	4	7	1	750	68	351	30	78	4	26	...	
B.—Revenue Courts.																	
Collectors' Appellate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or Seat of Government.																	
Chief Court of Province — Appeals from original decrees	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Court of Province — Appeals from appellate decrees	166	...	17	3	6	1	...	...	49	5	37	3	45	5	55	...	
Chief Court of Province — Civil revisions	89	...	31	1	...	...	2	...	31	1	17	...	6	...	21	...	
Total ...	255	...	48	4	6	1	2	...	80	6	54	3	51	5	41	...	
GRAND TOTAL ...	1,775	...	113	39	137	5	9	1	830	74	405	33	129	9	29	...	

JUDICIAL STATEMENT No. 10 (CIVIL).

Showing the business of the Civil and Revenue Appellate Courts in Lower Burma for the year 1889.

PART II.—Miscellaneous Appeals (Judicial).

Class of Tribunal.	Total number of appeals before the Courts.	Transferred to Courts in other provinces.	Appeals summarily rejected	Dismissed for default or otherwise not prosecuted.	Heard ex parte				Contested.				Pending.	Of those pending more than three months.	Average duration of appeals.	Objections under section 561, Act XIV of 1882.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.															Days		
APPEALS FROM ORIGINAL DECREES.																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of Districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Appellate Courts of Districts	42	...	3	5	8	...	4	...	8	1	10	1	1	...	12	...	One case transferred to Revenue Department.
Superior Appellate Courts other than Chief Court of Province ...	2	...	...	...	2	...	...	...	...	...	...	...	...	...	7	...	
Total ...	44	...	3	5	10	...	4	..	8	1	10	1	1	...	12	...	
B.—Revenue Courts.																	
Collectors' Appellate Courts	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or Seat of Government.																	
Chief Court of Province { Appeals from original decrees	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Court of Province { Appeals from appellate decrees ...	6	...	1	...	...	...	...	...	...	1	3	1	...	...	37	...	
Total ...	6	...	1	...	...	..	...	...	..	1	3	1	...	...	37	...	
GRAND TOTAL ...	50	..	4	5	10	...	4	...	8	2	13	2	1	1	15	...	

JUDICIAL STATEMENT No. 11 (CIVIL).

Showing the result of proceedings on applications for the execution of the decrees of the Civil and Revenue Courts in Lower Burma for the year 1889.

Class of Tribunal	Total number of applications for the execution of decrees before the Courts.	APPLICATIONS DISPOSED OF				Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	AMOUNT REALIZED		NUMBER OF APPLICATIONS												Remarks.
		By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.			With the issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which the judgment-debtor was arrested, but released without imprisonment.	On which moveable property: Was sold.	On which moveable property: Was attached, but subsequently released.	On which immoveable property: Was sold.	On which immoveable property: Was dealt with under section 305, 283, or 286, Act XIV of 1882.	On which immoveable property: Was attached, but subsequently released under section 276.	On which possession was given: Of moveables.	On which possession was given: Of immoveables.	On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than in the preceding columns.	
1	2	*3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
								Rs. A. P.	Rs. A. P.													
COURTS IN THE INTERIOR.																						
I.—Civil Courts.																						
Unpaid Tribunals	49	...	4	4	40	1	...	335 12 0	...	...	...	9	...	5	...	1	...	...	...	...	...	
Village Courts	6,128	...	2,804	1,195	2,342	387	25	1,97,110 3 7	9,712 4 5	64	436	550	1,107	516	110	466	17	52	7	5	70	
Paid Subdivisional Tribunals ...	429	...	129	95	172	33	5	35,831 15 6	50 8 0	4	14	67	68	34	11	16	...	4	...	1	5	
Small Cause Courts	1,859	...	328	324	1,131	67	...	43,390 13 3	3,395 10 8	32	184	102	113	11	...	8	...	...	...	...	202	
District Courts other than Chief Courts of Districts.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	...	
Chief Courts of Districts	271	...	66	74	108	23	5	43,880 12 10	844 4 6	1	16	18	17	15	2	13	13	11	...	...	34	
Superior Courts...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	8,727	...	2,231	1,692	3,793	511	35	3,80,549 9 2	14,002 11 7	101	650	739	1,305	581	123	504	30	67	7	6	311	
II.—Revenue Courts.																						
Unpaid local Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Collector's Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or Seat of Government.																						
Presidency Small Cause Courts ...	2,227	...	508	403	1,316	100	23	51,715 2 2	5,349 10 10	68	106	85	169	...	...	...	...	...	...	...	493	
Superior Courts	224	21	89	35	69	18	...	84,274 15 10	16,904 2 8	5	11	8	16	24	1	25	...	...	6	...	29	
Total ...	2,451	21	597	438	1,206	118	23	1,35,990 2 0	22,253 13 6	73	117	93	185	24	1	25	...	...	6	...	511	
GRAND TOTAL ...	11,178	21	3,328	2,130	5,091	629	58	4,16,539 11 2	36,256 9 1	174	767	832	1,490	605	124	529	30	67	13	6	822	

JUDICIAL STATEMENT NO. 12 (CIVIL).

Showing the number and result of applications and proceedings under Chapter XX, Act XIV of 1882, in Lower Burma for the year 1889.

Class of Tribunal.	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.								Number of insolvents discharged during the year under section 355.	Number of insolvents' estates in the hands of receivers in which proceedings were finally closed during the year.	AMOUNT OF CREDITOR'S CLAIMS DEALT WITH DURING THE YEAR.		GROSS AMOUNT OF INSOLVENTS' ASSETS REALIZED AND DISBURSED.		Remarks.
	Total number of hearings.	Withdrawn.	Granted.		Rejected.			Pending at the close of the year.			Admitted.	Satisfied.	Realized during the year.	Disbursed during the year.	
			A receiver being appointed.	A receiver not being appointed.	Penal proceedings under section 353 not being taken.	Sentence of imprisonment being passed under section 353.	Applicant being sent to the Magistrate to be dealt with.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
											Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Courts other than Chief Courts of Districts.	2	...	...	1	1	...	...	...	1	...	4,428 10 0	655 5 4	511 8 10	194 7 8	
Chief Courts of Districts	55	17	5	23	5	3	1	1	1	...	7,701 6 11	5,586 7 11	3,215 4 0	3,215 4 0	
Superior Courts...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	.....	
Total ...	57	17	5	24	6	3	1	1	2	...	12,130 0 11	6,241 13 3	3,726 12 10	3,409 11 8	

JUDICIAL STATEMENT NO. 13 (CIVIL).

Showing use of Jurors and Assessors in the Civil and Criminal Courts in Lower Burma for the year 1889.

Classes of Courts in which jurors or assessors are employed, distinguishing Criminal from Civil Courts.		Established or average number of jurors or assessors in each case, and prescribed qualification.	Number of cases tried by jury	Number of cases tried with assessors	Cases in which the Judge approved of the verdict.	JURY TRIALS. Cases in which the Judge did not approve of the verdict. Wholly.	JURY TRIALS. Cases in which the Judge did not approve of the verdict. Partially.	JURY TRIALS. Number of persons in respect of the verdict in respect to whom the Judge disapproved. Whose cases he referred under section 307, C. P. Code	JURY TRIALS. Number of persons in respect of the verdict in respect to whom the Judge disapproved. Whose cases he did not refer under section 307, C. P. Code	ASSESSORS' TRIALS. Number of cases in which Judge agreed with assessors.	ASSESSORS' TRIALS. Number of cases in which Judge differed from. One assessor.	ASSESSORS' TRIALS. Number of cases in which Judge differed from. Both assessors	Remarks.
1		2	3	4	5	6	7	8	9	10	11	12	13
I.—Civil Courts.													
Chief Courts of Districts (or officer specially empowered) acting under Act X of 1870.	Assessors	2	...	5	...	...	...	...	...	3	1	1	Besides these one regular suit was tried with the aid of two assessors in which the question of the partition of shares in certain immoveable property according to Buddhist Law was involved.
II.—Criminal Courts.													
Magistrates' Courts under Chapter X, C. P. Code	Jurors	...	...	...	...	...	...	...	...	...	...	...	
Courts of Session	Jurors	...	...	...	...	...	...	...	...	...	...	...	
	Assessors	...	...	...	...	...	...	...	...	...	...	...	
High Court, Original Criminal Jurisdiction	Jurors	...	...	...	...	...	...	...	...	...	...	...	
	Total	2	...	5	...	...	...	...	...	3	1	1	

Statement showing the total value in litigation and costs for all classes of Civil cases, including executions of decrees and other miscellaneous applications, disposed of in the different classes of Courts in Lower Burma during the year 1889.

Name of district or Court.	ORIGINAL.									APPEAL		
			Cost of cases.									Costs of cases.
	Total number of cases.	Total value of cases.	Total amount of court-fees, including process-fees.	Total amount of process-fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Percentage of total costs to total value.	Total number of cases.	Total value of cases.	Total amount of Court-fees, including process fees.
1	2	3	4	5	6	7	8	9	10	11	12	13
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.			Rs. A. P.	Rs. A. P.
Akyab	2,183	2,01,550 7 11	17,539 1 0	3,179 8 0	1,190 0 0	8,613 8 4	92 8 0	27,435 1 4	13·61	62	8,455 15 9	696 2 0
Kyaukpyu	924	31,462 6 10	4,452 13 0	1,597 8 0	1,958 14 0	1,640 0 0	5 0 0	9,654 11 0	26·94	97	5,495 3 4	729 6 0
Sandoway	927	8,139 8 2	1,390 11 9	529 0 0	608 4 0	777 13 7	17 0 0	2,793 13 4	34·32	37	2,011 4 5	311 8 0
Arakan Hill Tracts	170	10,594 5 0	.....	.....	.....	.....	.....	.....	...	...	.....	.....
Commissioner of Arakan	...	...	.....	.....	.....	.....	.....	.....	...	1	3,536 0 0	211 8 0
Total	3,604	2,51,746 11 11	23,382 9 9	5,306 0 0	3,757 2 0	11,231 5 11	114 8 0	38,485 9 8	15·29	197	19,498 5 11	2,149 8 0
Hanthawaddy	1,376	1,46,872 9 5	12,181 14 3	2,415 10 0	1,447 8 6	6,300 3 10	78 4 0	20,007 14 7	13·62	52	7,351 10 2	700 14 0
Pegu	2,153	2,36,317 10 3	23,088 13 0	4,315 0 0	2,931 7 0	6,009 8 1	62 0 0	32,091 11 1	13·47	98	29,694 9 9	2,419 10 0
Tharrawaddy	2,347	1,23,791 3 4	14,258 15 0	4,166 4 0	2,683 5 0	7,246 13 6	56 2 0	24,975 3 6	20·34	70	6,985 14 6	909 9 0
Prome	2,992	1,80,915 5 2	18,035 13 0	4,969 0 0	3,301 10 4	4,701 0 3	1,057 11 1	27,139 2 8	15·00	132	18,037 8 4	1,798 4 0
Commissioner of Pegu	...	.....	.....	.....	.....	.....	.....	.....	...	12	11,216 0 5	1,052 13 0
Total	8,868	6,88,896 12 2	68,295 6 3	15,885 14 0	10,363 14 10	24,260 9 8	1,284 1 1	1,04,203 15 10	15·13	364	73,465 11 2	6,881 2 0
Thôngwa	4,196	2,91,177 9 1	30,102 0 4	6,756 8 0	3,397 8 0	7,081 5 5	1,136 0 6	41,696 14 3	14·32	96	23,219 9 4	1,679 8 0
Bassein	3,855	2,69,510 9 3	27,730 13 0	5,901 8 0	4,534 8 0	13,849 6 7	304 14 0	46,490 9 7	17·25	236	39,610 7 9	3,101 0 0
Henzada	2,685	1,38,945 5 11	15,773 10 0	4,659 13 0	3,582 7 0	6,166 6 1	439 8 0	27,961 15 1	20·12	113	14,472 13 4	1,314 4 0
Thayetmyo	1,426	82,839 1 10	8,372 12 0	2,039 10 0	1,545 10 0	2,600 13 11	945 3 10	15,464 6 9	16·25	103	9,617 1 10	1,100 6 0
Commissioner of Irrawaddy	...	.....	.....	.....	.....	.....	.....	.....	...	1	952 13 3	75 0 0
Total	12,179	7,82,472 10 1	81,979 3 4	19,447 7 0	13,070 1 0	31,697 15 0	2,875 10 4	1,29,621 13 8	16·57	549	86,872 13 6	7,270 0 0
Amherst	1,990	1,61,748 5 4	14,845 11 0	3,174 0 0	2,089 0 0	5,611 0 9	60 0 0	25,605 11 9	15·44	91	14,514 6 6	553 8 0
Shwegyin	1,494	81,348 13 10	7,660 10 0	1,680 0 0	1,816 8 0	4,039 12 0	43 8 0	14,459 6 0	17·77	88	9,964 8 0	1,326 0 0
Toungoo	1,056	99,416 9 1	10,845 0 0	1,741 0 0	1,477 8 6	5,791 4 10	196 9 6	18,310 6 10	18·42	55	10,661 9 5	1,075 0 0
Tavoy	579	40,769 7 10	4,260 6 0	1,149 8 0	1,455 15 0	2,087 6 9	603 1 10	9,346 13 7	22·47	80	7,353 15 7	750 14 0
Mergui	557	31,017 12 9	3,249 4 0	1,141 8 0	762 12 0	3,009 8 0	88 8 0	7,110 0 0	22·92	65	5,313 14 0	561 4 0
Salween	59	5,797 13 0	900 8 0	156 8 0	178 8 0	.....	4 0 0	1,083 0 0	18·31	1	350 0 0	28 4 0
Judge of Moulmein	2,257	6,46,607 14 0	40,873 1 0	4,063 9 0	2,416 1 0	28,870 7 0	1,929 0 0	74,086 9 0	11·46	...	.....	.....
Commissioner of Tenasserim	...	.....	.....	.....	.....	.....	.....	.....	...	3	4,501 0 0	336 9 0
Total	8,022	10,89,706 11 10	84,634 8 0	13,297 1 0	10,196 4 6	48,249 7 4	2,923 11 4	1,46,003 15 2	13·40	384	52,679 5 6	4,572 7 0
Judicial Commissioner	...	.....	.....	.....	.....	.....	.....	.....	...	166	46,061 0 0	3,101 4 0
GRAND TOTAL	32,656	28,12,823 14 0	2,58,291 11 4	53,936 6 0	37,387 6 4	1,15,439 5 11	7,197 14 9	4,18,316 6 4	14·87	1,650	2,78,597 3 1	23,973 5 0
Rangoon Small Cause Courts	4,879	4,51,734 7 2	47,584 7 0	7,294 1 0	4,305 11 0	10,368 6 0	3,406 0 0	65,686 8 0	14·54	...	.....	.....
Recorder's Court	243	9,28,787 3 0	37,805 8 0	1,664 0 0	1,827 3 0	40,068 9 8	1,042 1 0	80,737 5 8	8·69	53*	14,292 7 5	470 6 0
Special Court	...	.....	.....	.....	.....	.....	... ...	.....	...	...	.....	... ...
Total	5,121	13,80,511 10 2	85,389 15 0	8,958 1 0	6,132 14 0	50,430 15 8	4,450 1 0	1,46,423 13 8	10·61	53*	14,292 7 5	470 6 0
GRAND TOTAL	37,787	41,93,334 8 2	3,43,681 10 4	62,894 7 0	43,520 4 4	1,65,890 5 7	11,647 15 9	5,64,740 4 0	13·45	1,703	2,92,889 10 6	24,443 11 0

*Revisions

Statement showing the total value in litigation and costs for all classes of Civil cases, including executions of decrees and other miscellaneous applications, disposed of in the different classes of Courts in Lower Burma during the year 1889—continued.

Name of district or Court.	Appeal—concluded.						Execution of decrees.					
	Costs of cases—concluded.								Costs of cases.			
	Total amount of process-fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Percentage of total costs to total value.	Total number of cases.	Total value of cases.	Total amount of court-fees, including process-fees.	Total amount of process-fees.	Total amount of diet-money paid to witnesses.	Total amount of advocate's fees.
1	14	15	16	17	18	19	20	21	22	23	24	25
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.			Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Akyab	164 0 0	.....	1,385 13 1	280 12 0	2,592 11 1	30·30	713	1,05,226 3 11	1,753 4 0	1,248 8 0	7 12 0	.....
Kyaukpyu	226 0 0	38 0 0	757 0 0	.....	2,524 6 0	27·73	239	11,850 12 4	492 8 0	316 8 0	9 8 0	.....
Sandoway	48 0 0	.....	293 2 1	107 12 0	712 6 1	35 41	60	1,786 5 3	305 14 0	253 12 0	3 0 0	.....
Arakan Hill Tract	.....	.....	.....	.....	.....	...	...	.....	.....	.....	.....	.....
Commissioner of Arakan	3 0 0	.....	544 6 2	.....	736 14 2	21·35	...	.....	.....	.....	.....	.....
Total	443 0 0	38 0 0	2,980 5 4	388 8 0	5,555 5 4	28 49	1,012	1,18,853 5 6	2,521 10 0	1,818 12 0	19 4 0	.....
Henthawaddy	124 0 0	.....	1,301 0 0	242 9 3	2,344 7 3	30·53	352	85,865 5 4	1,193 5 0	948 0 0	.....	.....
Pegu	250 0 0	.....	1,360 3 0	.....	3,779 13 0	13·64	495	88,601 10 2	1,499 10 0	849 13 0	26 12 0	.....
Tharrawaddy	90 0 0	.....	699 9 4	.....	1,598 2 4	22·86	470	54,278 14 3	1,206 10 0	980 4 0	.....	.....
Prome	360 0 0	.....	2,145 0 0	346 14 0	4,290 2 0	23·78	528	57,674 9 7	1,036 0 0	782 8 0	3 0 0	10 0 0
Commissioner of Pegu	69 0 0	.....	1,102 0 0	27 8 0	2,182 5 0	19·45	...	.....	.....	.....	.....	.....
Total	893 0 0	.....	6,596 12 4	616 15 3	14,094 13 7	19·18	1,845	2,53,420 7 4	5,037 2 0	3,560 2 0	29 12 0	10 0 0
Thôngwe	226 0 0	.....	1,017 15 9	429 2 0	3,126 7 9	14·07	783	1,36,141 9 11	1,551 13 0	1,066 0 0	6 8 0	27 8 0
Bassein	607 0 0	.....	5,611 11 2	750 2 0	9,471 13 2	23·91	626	1,18,984 14 11	1,798 6 0	986 0 0	227 12 0	.....
Henzada	269 0 0	.....	2,203 6 11	507 7 2	4,115 2 1	28·43	390	33,128 0 7	762 8 0	436 0 0	7 4 0	5 0 0
Thayetmyo	280 0 0	.....	1,001 2 6	143 12 0	2,245 4 0	23·34	322	43,814 6 9	683 7 0	456 0 0	0 8 0	.....
Commissioner of Irrawaddy	3 0 0	.....	47 10 0	.....	122 10 0	12·61	...	.....	.....	.....	.....	.....
Total	1,385 0 0	...	9,971 13 10	1,839 7 2	19,081 5 0	21·96	2,323	3,31,069 0 2	4,784 2 0	2,936 0 0	242 0 0	32 8 0
Amherst	130 0 0	.....	1,026 8 0	100 0 0	1,680 0 0	11·57	711	1,00,144 0 3	1,362 12 0	910 0 0	24 0 0	27 8 0
Shwegyin	182 0 0	.....	493 8 0	.....	1,749 8 0	17·55	476	35,692 4 4	1,460 0 0	1,296 0 0	15 0 0	15 0 0
Toungoo	188 8 0	10 0 0	841 3 9	.....	1,966 3 9	18 41	355	42,907 10 8	1,195 6 0	603 8 0	1 8 0	10 0 0
Tavoy	182 0 0	.....	699 15 4	456 10 1	1,916 7 5	29·08	139	17,841 13 8	268 12 0	173 0 0	.....	.....
Mergui	156 8 0	.....	579 0 0	.....	1,140 4 0	21 45	180	4,908 12 2	268 1 0	113 0 0	.....	.....
Salween	2 0 0	.....	.....	.....	28 4 0	8·00	16	1,557 13 8	30 0 0	22 0 0	.....	.....
Judge of Moulmein	.....	.....	.....	.....	.....	...	1,158	4,66,525 2 9	2,719 9 0	1,622 8 0	.....	.....
Commissioner of Tenasserim	.....	.....	224 15 0	25 4 0	586 12 0	13·05	...	.....	.....	.....	.....	.....
Total	841 0 0	10 0 0	3,905 2 1	581 14 1	9,009 7 2	17·21	3,035	6,70,477 8 9	7,863 9 0	4,900 0 0	40 8 0	52 8 0
Judicial Commissioner	459 0 0	.....	4,999 3 0	1,915 0 0	10,015 7 0	21·74	..	.....	.....	.....	.....	.....
Grand Total	4,021 0 0	48 0 0	28,453 4 7	5,341 12 6	57,816 6 1	20·75	8,216	13,73,420 5 9	19,706 14 0	13,175 5 0	381 8 0	95 0 0
Rangoon Small Cause Courts	.....	.....	.....	.....	.....	...	2,127	3,64,763 14 5	4,466 6 0	3,317 6 0	.....	21 0 0
Recorder's Court	95 0 0	.....	1,105 0 0	.....	1,575 6 0	11·02	206	5,56,620· 7 9	1,152 3 0	730 0 0	17 0 0	.....
Special Court	.....	.....	.....	.....	.....	...	...	.....	.....	.....	.....	.....
Total	95 0 0	.....	1,105 0 0	.....	1,575 6 0	11·02	2,333	9,20,384 6 2	5,618 9 0	4,047 6 0	17 0 0	21 0 0
Grand Total	6,116 0 0	48 0 0	29,558 4 7	5,341 12 6	59,391 12 1	20·28	10,549	24,04,804 11 11	25,315 7 0	17,222 11 0	398 8 0	116 0 0

Statement showing the total value in litigation and costs for all classes of Civil cases, including executions of decrees and other miscellaneous applications, disposed of in the different classes of Courts in Lower Burma during the year 1880—concluded.

Name of district or Court.	Execution of decrees—concluded			Miscellaneous.								
	Costs of cases—concluded.					Costs of cases.						
	Total amount of fees for commissions and other miscellaneous charges.	Total.	Percentage of total costs to total value.	Total number of cases.	Total value of cases.	Total amount of court-fees, including process fees.	Total amount of process-fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total	Percentage of total costs to total value.
1	26	27	28	29	30	31	32	33	34	35	36	37
	Rs. A. P.	Rs. A. P.			Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Akyab	146 11 0	1,907 11 0	1·81	260	51,493 3 2	749 2 0	454 8 0	116 0 0	278 0 0	22 0 0	1,165 2 0	2·26
Kyaukpyu	25 6 3	496 6 3	4 18	147	8,233 6 3	181 12 0	109 0 0	78 0 0	40 0 0	— —	299 12 0	3·64
Sandoway	.....	308 14 0	17·24	39	2,485 11 6	67 3 0	62 8 0	64 0 0	3 6 0	214 9 0	291 8 0	9·41
Arakan Hill Tracts	.....	.....	..	...	..	.....	.....	.....	.....	.....	.....	...
Commissioner of Arakan	..	..	..	...	.....	.. ..	.....	.....	.....	.....	.....	...
Total	172 1 3	2,712 15 3	2 28	446	62,902 4 11	1,018 1 0	617 9 0	258 0 0	378 0 0	25 6 0	1,679 7 0	2·69
Hanthawaddy	69 3 0	1,252 8 0	2·35	198	62,772 12 7	5[illegible] 4 0	300 8 0	129 4 0	855 0 0	140 8 0	1,713 0 0	2·73
Pegu	52 8 0	1,578 14 0	1 64	409	98,617 6 1	1,074 2 0	491 0 0	305 12 0	656 12 0	15 0 0	2,054 10 0	2·08
Tharrawaddy	14 0 0	1,322 10 0	2·44	335	34,516 12 0	782 6 0	374 8 0	339 11 0	694 4 0	14 12 0	1,681 1 0	5·43
Prome	348 14 0	1,397 14 0	2·42	396	66,070 14 0	779 2 0	514 8 0	234 10 0	757 8 0	155 12 0	1,927 0 0	2·92
Commissioner of Pegu	— — —	— — —		3	—	3 0 0	.....	— —	— —	.....	3 0 0	—
Total	484 9 0	5,551 14 0	2·19	1,331	2,60,977 13 8	3,236 14 0	1,740 8 0	1,009 5 0	2,955 8 0	326 0 0	7,518 11 0	2·88
Thôngwa	131 0 0	1,716 13 0	1·27	443	60 648 15 2	1,261 12 0	788 0 0	396 0 0	771 0 0	111 13 0	2,880 9 0	4·22
Bassein	325 8 0	2,339 10 0	1·96	627	1,21 229 5 1	1,513 11 0	723 0 0	363 2 0	1,010 8 0	97 5 0	2,939 14 0	2·45
Henzada	30 0 0	804 13 0	2·42	264	46,584 9 11	509 6 0	227 8 0	135 8 0	644 8 0	39 3 0	1,226 11 0	2·85
Thayetmyo	23 2 0	707 1 0	1 61	178	21,082 4 11	489 10 0	240 0 0	164 4 0	138 6 4	37 0 0	829 4 4	3·93
Commissioner of Irrawaddy	— —	— —		—	— —	—	—	— —	— —	— —	— —	—
Total	509 10 0	5,568 4 0	1·68	1,512	2,49,535 3 1	3,794 9 0	2,038 8 0	1 063 14 0	2,564 6 4	285 9 0	7,708 6 4	3 09
Amherst	. —	1,434 4 0	1 43	333	99,216 5 7	757 2 0	410 0 0	267 8 0	457 0 0	2 0 0	1,483 10 0	1·51
Shwegyin	—	1,490 0 0	4·05	150	12,209 9 3	606 0 0	208 0 0	95 0 0	177 8 0	— —	878 8 0	7·19
Toungoo	95 0 0	1,301 14 0	3·63	160	29,734 6 0	417 2 0	215 12 0	152 4 0	570 0 0	7 0 0	1,146 6 0	3·85
Tavoy	84 8 9	378 5 9	2·12	53	53,847 14 11	173 15 0	121 0 0	111 12 0	13 0 0	358 12 0	6·6 7 0	1·23
Mergui	.....	223 1 0	5·56	22	2,407 6 0	35 0 0	17 8 0	14 0 0	5 0 0	.....	54 0 0	2·29
Salween	—	30 0 0	1·93	3	451 8 0	9 8 0	8 0 0	4 0 0	—	—	13 8 0	2·88
Judge of Moulmein	877 0 0	3,666 9 0	·77	293	3,55,981 6 0	5,149 13 0	479 8 0	141 0 0	1,501 6 0	307 0 0	7,000 3 0	1·99
Commissioner of Tenasserim	..	.....		1	903 0 0	3 1 0	...	.....	.....	.....	3 1 0	1 47
Total	1,056 8 9	8,513 1 9	1·27	1,015	5,52,501 7 9	7,150 9 0	1,459 12 0	785 8 0	2,725 14 0	674 12 0	11,336 11 0	2·05
Judicial Commissioner	— —	—	—	—	.....	.....	.....	—	—	.....	—	—
Grand Total	2,222 13 0	22,356 3 0	1·63	4,384	11,25,306 12 5	15,190 1 0	5,855 12 0	3,107 11 0	8,633 12 4	1,311 11 0	28,243 3 4	2·51
Rangoon Small Cause Courts	4,507 6 0	1·24	1,270	36,486 4 2	879 0 0	487 0 0	440 8 0	984 8 0	82 0 0	2,386 0 0	6·54
Recorder's Court	4,382 5 0	5,521 8 0	0·99	166	19,69,064 7 10	14,404 10 0	618 0 0	696 0 0	4,525 2 0	686 0 0	20,311 12 0	1·03
Special Court	.....	— —	—	—	— —	—	—	.....	— —	—	—	—
Total	4,382 5 0	10,028 14 0	1·09	1,436	20,05,550 12 0	15,283 10 0	1,105 0 0	1,136 8 0	5,509 10 0	768 0 0	22,697 12 0	1 13
Grand Total	6,605 2 0	32,385 1 0	1 41	5,740	31,30,857 8 5	30,473 11 0	6,960 12 0	4,244 3 0	14,143 6 4	2,079 11 0	50,940 15 4	1 62

G. B C. P. O.—No 527, S., 9-7-90—480.